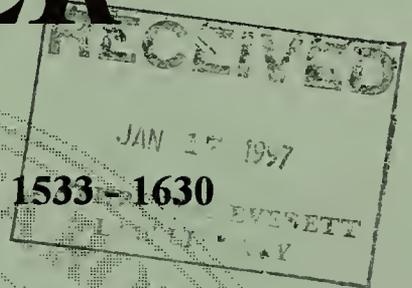


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NORTH CAROLINA REGISTER

**VOLUME 11 • ISSUE 20 • Pages 1533-1630
January 15, 1997**



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Administrative Hearings, Office of
Agriculture
Cultural Resources
Dental Examiners, Board of
Environment, Health, and Natural Resources
Human Resources
Justice
Public Education
Real Estate Commission
Refrigeration Examiners, Board of
Transportation
List of Rules Codified
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

*The Office of Administrative Hearings
Rules Division
PO Drawer 27447
Raleigh, NC 27611-7447
Telephone (919) 733-2678
Fax (919) 733-3462*

NORTH CAROLINA REGISTER



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Pages 1533 - 1630

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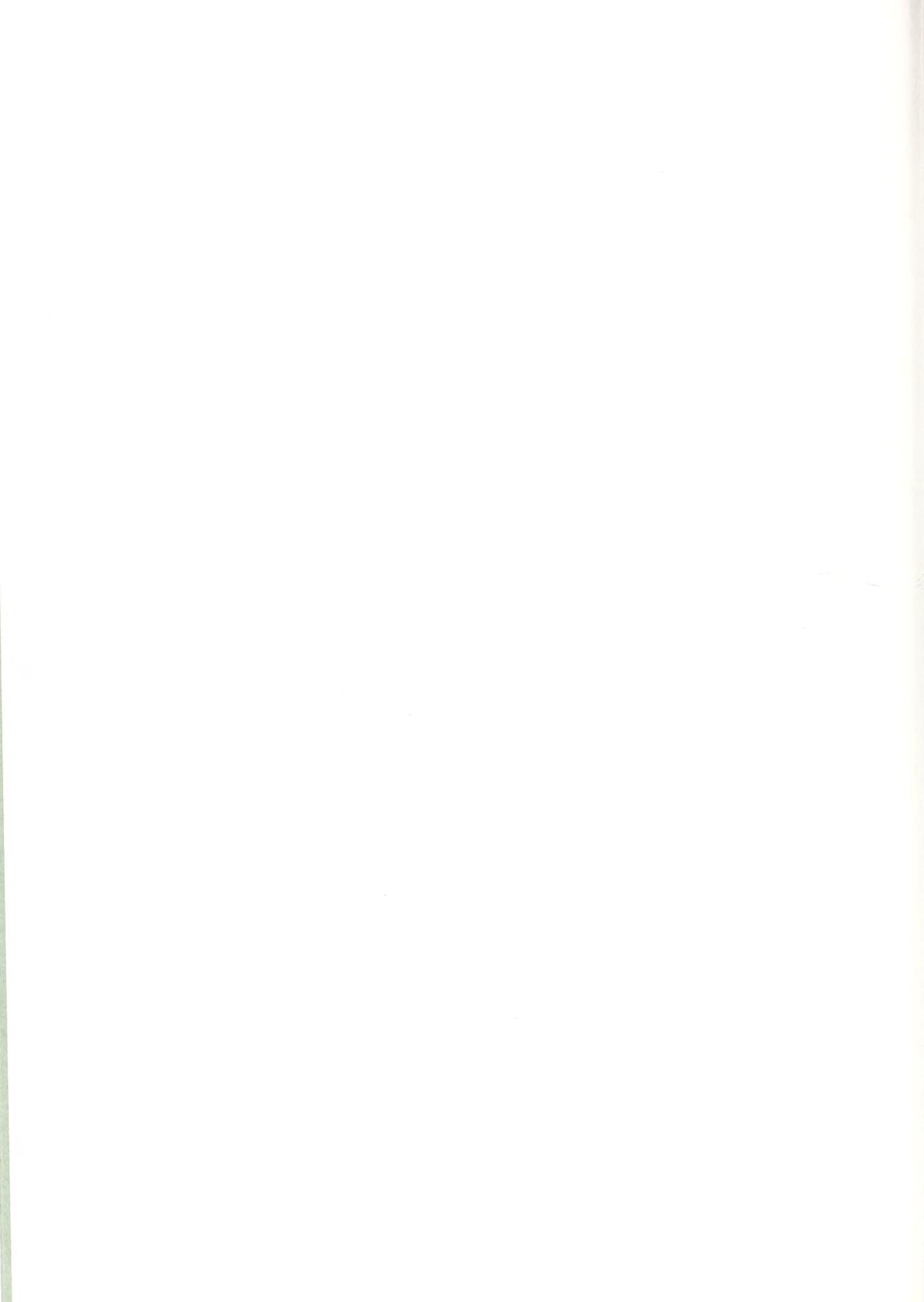
This issue contains documents officially filed through December 19, 1996.

Office of Administrative Hearings
Rules Division
424 North Blount Street (27601)
PO Drawer 27447
Raleigh, NC 27611-7447
(919) 733-2678
FAX (919) 733-3462

Julian Mann III, Director
James R. Scarcella Sr., Deputy Director
Molly Masich, Director of APA Services
Ruby Creech, Publications Coordinator
Teresa Kilpatrick, Editorial Assistant
Jean Shirley, Editorial Assistant
Linda Richardson, Editorial Assistant

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(October 1996 - July 1997)

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	A. non-substantial economic impact			B. substantial economic impact			
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	
11:13	10/01/96	09/10/96	12/02/96	12/16/96	10/16/96	10/31/96	11/20/96	01/30/97	12/02/96	12/20/96	05/10/98
11:14	10/15/96	09/24/96	12/16/96	01/02/97	10/30/96	11/14/96	11/20/96	01/30/97	12/16/96	12/20/96	05/10/98
11:15	11/01/96	10/11/96	12/31/96	01/02/97	11/18/96	12/02/96	12/20/96	05/10/98	12/31/96	01/21/97	05/10/98
11:16	11/15/96	10/24/96	01/14/97	01/15/97	12/02/96	12/16/96	12/20/96	05/10/98	01/14/97	01/21/97	05/10/98
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EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL

- The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:
- (1) temporary rules;
 - (2) notices of rule-making proceedings;
 - (3) text of proposed rules;
 - (4) text of permanent rules approved by the Rules Review Commission;
 - (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
 - (6) Executive Orders of the Governor;
 - (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H; orders of the Tax Review Board issued under G.S. 105-241.2; and other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF RULE-MAKING PROCEEDINGS

END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD (1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

U.S. Department of Justice

Civil Rights Division

Voting Section

P. O. Box 66128

Washington, D. C. 20035-6128

DLP:DHH:JSS:tlb
DJ 166-012-3
96-4013

December 2, 1996

George A. Weaver, Esq.
Lee, Reece & Weaver
P.O. Box 2047
Wilson, North Carolina 27894-2047

Dear Mr. Weaver:

This refers to the change in the procedures for processing curbside ballots and the new notice of election transfer affirmation and precinct return forms for Wilson County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on October 8, 1996.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Chief, Voting Section

A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 3 - FACILITY SERVICES

Notice of Rule-making Proceedings is hereby given by the North Carolina Medical Care Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
10 NCAC 3C .3707

Authority for the rule-making: G.S. 131E-79

Statement of the Subject Matter: Medical orders issued in hospitals.

PROPOSED AMENDMENT

.3707 MEDICAL ORDERS

(a) No medication or treatment shall be administered or discontinued except in response to the order of a member of the medical staff in accordance with established rules and regulations.

(b) Such orders shall be dated and recorded directly in the patient chart or in a computer or data processing system which provides a hard copy printout of the order for the patient chart. A method shall be established to safeguard against fraudulent recordings.

~~(c) All orders for medication or treatment shall be authenticated at the time of recording by the ordering member of the medical staff except as specified in paragraph (e) of this Rule. Authentication must be accomplished by signature, initials, computer entry or code or other methods not inconsistent with the laws, rules and regulations of any other applicable jurisdictions.~~

(c) All orders for medication or treatment shall be authenticated according to hospital policies. The order shall be taken by personnel qualified by medical staff rules and shall include the date, time, and name of persons who gave the order, and the full signature of the person taking the order.

(d) The names of drugs shall be recorded in full and not abbreviated except where approved by the medical staff.

~~(e) Verbal orders shall be taken and transcribed in the patient's medical record by personnel qualified according to medical staff by laws and rules. The order shall include the date, time, and full signature of the person taking the order~~

~~and shall be countersigned by a physician within 24 hours. Authentication must be accomplished by signature, initials, computer entry, code, or other methods not inconsistent with laws, rules and regulations of any other applicable jurisdictions.~~

(f) (e) The medical staff shall establish a written policy in conjunction with the pharmacy committee or its equivalent for all medications not specifically prescribed as to time or number of doses to be automatically stopped after a reasonable time limit, but no more than 14 days. The prescriber shall be notified according to established policies and procedures at least 24 hours before an order is automatically stopped.

Reason for Proposed Action: To make rules less restrictive with regards to who is qualified to issue medical orders in hospitals.

Comment Procedures: Written comments concerning this rule-making action must be submitted by March 17, 1996 to Jackie Sheppard, APA Coordinator, Division of Facility Services, PO Box 29530, Raleigh, NC 27626-0530. Telephone (919) 733-2342.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

Notice of Rule-making Proceedings is hereby given by the EHNRC - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 2B .0305

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of East Fork Pond Creek in Watauga and Avery Counties from Class WS (Water Supply) - II Tr (Trout) to Class WS-V Tr.

Reason for Proposed Action: The Avery County and

Watauga County Board of Commissioners have requested that the Environmental Management Commission (EMC) reclassify the Pond Creek water supply watershed from its current WS-II classification to a more appropriate water supply classification. During the statewide water supply watershed reclassification process conducted in 1990 and 1991, which was mandated by North Carolina General Statute 143-214.5 (Water Supply Watershed Protection Act), the state used existing land uses and types of wastewater discharges in each water supply watershed to develop a proposed water supply classification to bring to public hearing for comment. All of the water supply watersheds were reclassified effective August 3, 1993. Avery and Watauga Counties believe that the Pond Creek watershed may not have been classified correctly during this process. After evaluating drainage patterns, the composition of the watershed, and water supply sources, the EMC proposes to reclassify the East Fork Pond Creek from WS-II to WS-V Tr and retain the WS-II classification for the West Fork Pond Creek. The East Fork Pond Creek watershed drains to Santis Lake. Water from this lake is used for making snow and golf course irrigation. In severe drought situations water from Santis Lake could be pumped to Lake Coffey. Lake Coffey is used as a water supply source for the Town of Beech Mountain. A portion of the flow from the West Fork Pond Creek watershed enters Lake Coffey via a diversion pipe, with the remaining flow going to Santis Lake. Watauga County and the Town of Beech Mountain have land use jurisdiction in the area proposed for reclassification. If the East Fork Pond Creek is reclassified, the affected local governments will have the option of modifying their drinking water supply protection ordinances to reflect the reclassification. No categorical restrictions on watershed development or treated wastewater discharges are required for areas classified as WS-V.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by March 17, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DEHNR/Division of Water Quality, Planning Branch, P. O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 2B .0308

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of Mill Creek, and tributaries, and Swannanoa Creek, and tributaries, in McDowell County from Class C Tr (Trout) to Class C Tr HQW (High Quality Waters).

Reason for Proposed Action: The Division of Water Quality is requesting that the Environmental Management Commission (EMC) reclassify Mill Creek, and all tributaries, from its source to Swannanoa Creek from Class C Tr to Class C Tr HQW, and Swannanoa Creek and all tributaries, from its source to Mill Creek from Class C Tr to Class C Tr HQW. The criteria for designation to High Quality Waters as defined in 15A NCAC 2B .0201 includes those waters which are rated as excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, native and special native trout waters designated by the Wildlife Resources Commission, primary nursery areas designated by the Marine Fisheries Commission and other functional nursery areas designated by the Wildlife Resources Commission, critical habitat areas designated by the Wildlife Resources Commission or the Department of Agriculture, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality, and all Class SA waters. Several tributary sites of the Upper Catawba River were identified as potential High Quality Waters streams. Mill Creek and Swannanoa Creek, two of the qualifying streams, received an excellent bioclassification and they, including all tributaries, are recommended for reclassification to High Quality Waters. If reclassified, new and expanding wastewater dischargers to the area affected by the proposed reclassification in the Mill and Swannanoa Creeks watershed will have additional treatment requirements. Projects which require a Sedimentation and Erosion Control Plan and which drain to and are within one mile of HQW streams will have more stringent land use development criteria as defined in 15A NCAC 2H .1006.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by March 17, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DEHNR/Division of

Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B .0308

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of Toms Creek in McDowell County from Class C Tr (Trout) to Class C Tr HQW (High Quality Waters).

Reason for Proposed Action: The Division of Water Quality is requesting that the Environmental Management Commission (EMC) reclassify Toms Creek from its source to Harris Creek from Class C Tr to Class C Tr HQW, and from Harris Creek to McDowell County SR 1434 from Class C to Class C HQW. The criteria for designation to High Quality Waters as defined in 15A NCAC 2B .0201 includes those waters which are rated as excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, native and special native trout waters designated by the Wildlife Resources Commission, primary nursery areas designated by the Marine Fisheries Commission and other functional nursery areas designated by the Wildlife Resources Commission, critical habitat areas designated by the Wildlife Resources Commission or the Department of Agriculture, all water supply watersheds which are either classified as WS-I or WS-II or those for which a formal petition for reclassification as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality, and all Class SA waters. Several tributary sites of the Upper Catawba River were identified as potential High Quality Waters streams. Toms Creek, one of the qualifying streams, received an excellent bioclassification and it, including all tributaries, is recommended for reclassification to High Quality Waters. If reclassified, new and expanding wastewater dischargers to the area affected by the proposed reclassification in the Toms Creek watershed will have additional treatment requirements. Projects which require a Sedimentation and Erosion Control Plan and which drain to and are within one mile of HQW streams will have more stringent land use development criteria as defined in 15A NCAC 2H .1006.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by March 17, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

Notice of Rule-making Proceedings is hereby given by the EHNR - Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making: 15A NCAC 2B .0316

Authority for the rule-making: G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

Statement of the Subject Matter: Proposed reclassification of the Tar River in Franklin County from Class WS-V (Water Supply) NSW (Nutrient Sensitive Waters) to Classes WS-IV NSW and WS-IV CA NSW.

Reason for Proposed Action: The Franklin Water & Sewer Authority has requested that a section of the Tar River in Franklin County (Tar-Pamlico River Basin) be reclassified to the appropriate water supply classification based on the location that has been chosen for a new water supply intake for Franklin County. The selected intake site is approximately three miles southeast of the Town of Bunn in a section of the Tar River that is currently classified as WS-V (Water Supply) NSW (Nutrient Sensitive Waters). A WS-IV classification is the most appropriate water supply class for the Tar River and its tributaries in the area that is being considered for reclassification. Franklin County and the Town of Bunn have land use jurisdiction within the affected area. The proposed reclassification to Classes WS-IV and WS-IV CA (Critical Area; defined as the area 1/2 mile and draining to a water supply intake) would require the affected local governments to adopt and implement drinking water supply ordinances for this section of the Tar River that, at a minimum, meet the state's requirements for a WS-IV watershed. The water supply watershed protection requirements for development within a WS-IV water supply are applicable for only those projects that require a Sediment/Erosion Control Plan under state law or a delegated local program. If reclassified, the affected local

governments would be required to adopt, implement and submit the appropriate water supply protection ordinances within 270 days after receiving notice of the reclassification.

Comment Procedures: The purpose of the announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal must be submitted by March 17, 1997. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission (EMC) whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to: Liz Kovasckitz, DEHNR/Division of Water Quality, Planning Branch, P.O. Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

CHAPTER 3 - MARINE FISHERIES

Notice of Rule-making Proceedings is hereby given by the EHNHR - North Carolina Marine Fisheries Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
15A NCAC 3

Authority for the rule-making: G.S. 113-134; 113-182; 113-221

Statement of the Subject Matter: Flounder

Reason for Proposed Action: To extend the mesh size requirement in the tailbag to throughout the net for flounder trawls and increase minimum size limits in order to comply with the joint MAFMC-ASMFC Summer Flounder Fishery Management Plan.

Comment Procedures: Written comments may be submitted to the Marine Fisheries Commission, Attention Juanita Gaskill, PO Box 69, Morehead City, NC 28557. Comments will be received through March 17, 1997. The Marine Fisheries Commission will consider these issues for adoption of temporary rules at a Business Meeting scheduled for February 20 and 21 at the Sheraton, Atlantic Beach, NC.

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Transportation - Division of Highways in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
19A NCAC 02B .0164

Authority for the rule-making: G.S. 136-28.1(f)

Statement of the Subject Matter: Rule sets out conditions for contracting outside consultants to perform highway right of way acquisition process.

Reason for Proposed Action: The proposed amendments shorten the time required to complete right of way consultant contract process. The amended process will be simpler and similar to the highway construction contract process.

Comment Procedures: Any interested person may submit written comments on the proposed amendments by mailing the comments to Emily Lee, Department of Transportation, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

Notice of Rule-making Proceedings is hereby given by the North Carolina Department of Transportation - Division of Highways in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
19A NCAC 02D .0415

Authority for the rule-making: G.S. 136-18(5)

Statement of the Subject Matter: Rule states conditions and schedules for the operation of certain drawbridges in the state.

Reason for Proposed Action: Rule proposed for amendment to change scheduled openings on SR 1172 over the Intracoastal Waterway at Sunset Beach.

Comment Procedures: Any interested person may submit written comments on the proposed rules by mailing the comments to Emily Lee, Department of Transportation, PO Box 25201, Raleigh, NC 27611, within 30 days after the proposed rules are published.

TITLE 19A - DEPARTMENT OF TRANSPORTATION

CHAPTER 2 - DIVISION OF HIGHWAYS

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 16 - BOARD OF DENTAL EXAMINERS

Notice of Rule-making Proceedings is hereby given by the North Carolina State Board of Dental Examiners in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

Citation to Existing Rules Affected by this Rule-Making:
21 NCAC 16B .0303; 16I .0001 - .0005; 16M .0001; 16R .0001 - .0005

Authority for the rule-making: G.S. 90-28; 90-31.1; 90-39; 90-48; 90-225.1; 90-227

Statement of the Subject Matter: *The North Carolina State Board of Dental Examiners (Board) will consider adopting rules, repealing rules, or amending rules addressing fees payable to the Board, continuing education, and applications for dental hygiene renewal certificates.*

Reason for Proposed Action: *To change the amount of fees payable to the Board, to change continuing education requirements, and to require application forms for dental hygiene renewal certificates to be completed in full.*

Comment Procedures: *Written comments may be submitted on the subject matter of the proposed rule-making to Christine H. Lockwood, Executive Director of the Board at the Board's office. The Board's address is P.O. Box 32270, Raleigh, NC 27622-2270.*

This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.

TITLE 12 - DEPARTMENT OF JUSTICE

EDUCATION AND TRAINING STANDARDS COMMISSION

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Criminal Justice Education and Training Standards Commission intends to adopt rules cited as 12 NCAC 9C .0607, .0608, amend 9A .0103; 9B .0102, .0111, .0206, .0224, .0225, .0409; 9C .0304, .0307, .0309, .0601, and repeal 9C .0602 - .0606. Notice of Rule-making Proceedings was published in the Register on October 15, 1996.

SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES

.0103 DEFINITIONS

The following definitions apply throughout this Chapter, except as modified in 12 NCAC 9A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

Proposed Effective Date: August 1, 1998

- (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(b).
- (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of Crime Control and Public Safety as authorized by G.S. 18B-500.
- (3) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (5) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (6) "Correctional Officer" means any employee of the North Carolina Department of Correction who is responsible for the custody or treatment of inmates.
- (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(c).
- (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (1) of this Rule.
- (9) "Criminal Justice Training Points" means points earned toward the Criminal Justice Officers' Professional Certificate Program by successful completion of commission-approved criminal

A Public Hearing will be conducted at 9:00 a.m. on March 6, 1997 at the Alcoholic Beverage Control Commission Building, Hearing Room, 3322 Garner Road, Raleigh, NC.

Reason for Proposed Action: The North Carolina Criminal Justice Education and Training Standards Commission has authorized rule-making authority to amend several of its administrative rules in order to better define the minimum employment and training standards that regulate the criminal justice officer profession in the State. Additionally, the General Assembly transferred regulation of District Confinement Facility Personnel to the N.C. Sheriffs' Education and Training Standards Commission, thus necessitating proposed rule changes. Finally, recent technological improvements in Speed Measuring Instruments (Radar, TDS, Laser) have resulted in a pressing need to amend the Commission's SMI rules.

Comment Procedures: Any person interested in this rule-making proceeding may present oral or written comments relevant to the above-stated subject matter for a period of 30 days from this notice. Written comments should be directed to Scott Perry, Deputy Director, at the Criminal Justice Standards Division which is located in Room 150, Court of Appeals Building, Post Office Drawer 149, Raleigh, NC 27602.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

**CHAPTER 9 - CRIMINAL JUSTICE
EDUCATION AND TRAINING
STANDARDS**

SUBCHAPTER 9A - CRIMINAL JUSTICE

justice training courses. Twenty classroom hours of commission-approved criminal justice training equals one criminal justice training point.

- (10) "Department Head" means the chief administrator of any criminal justice agency and specifically includes any chief of police or agency director. "Department Head" also includes a designee formally appointed in writing by the Department head.
- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Educational Points" means points earned toward the Professional Certificate Programs for studies satisfactorily completed for semester hour or quarter hour credit at an accredited institution of higher education. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (13) "Enrolled" means that an individual is currently actively participating in an on-going formal presentation of a commission-accredited basic training course which has not been concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:
 - (a) for law enforcement officers, that the officer is then attending an approved course presentation averaging a minimum of twelve hours of instruction each week; and
 - (b) for Youth Services and Department of Correction personnel, that the officer is then attending the last or final phase of the approved training course necessary for fully satisfying the total course completion requirements.
- (14) "High School" means a school accredited as a high school by:
 - (a) the Department or board of education of the state in which the school is located; or
 - (b) the recognized regional accrediting body; or
 - (c) the state university of the state in which the school is located.
- (15) "In-Service Training" means any and all training prescribed in Subchapter 9E Rule .0102 which must be satisfactorily completed by all certified law enforcement officers during each full calendar year of certification.
- (16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal justice agency, based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.
- (17) "Law Enforcement Code of Ethics" means that

code adopted by the Commission on September 19, 1973, which reads:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

- (18) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any political subdivision of the State who, by virtue of his office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from this title are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of Chapter 17E of the General Statutes.
- (19) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of commission-approved law enforcement training courses. Twenty classroom hours of commission-approved law enforcement training equals one law enforcement training point.

- (20) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; or, any officer, supervisor or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218. ~~153A-218; or, any officer, supervisor or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.~~
- (21) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:
- (a) "Class A Misdemeanor" means an act committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (21)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving which is expressly included herein as a Class A Misdemeanor, if the offender could have been sentenced for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [G.S. 20-179(i)], level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.
- (b) "Class B Misdemeanor" means an act

committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice which is hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.

- (22) "Parole Case Analyst" means an employee of the North Carolina Department of Correction who works under the supervision of the North Carolina Parole Commission, whose duties include analyzing and processing cases under consideration for parole, preparing and presenting

- parole recommendations, analyzing and processing executive clemency matters and interviewing inmates.
- (23) "Pilot Courses" means those courses developed consistent with the curriculum development policy adopted by the Commission on May 30, 1986. This policy shall be administered by the Education and Training Committee of the Commission consistent with Rule 9C .0404.
- (24) "Probation/Parole Officer" means an employee of the Division of Adult Probation and Parole whose duties include supervising, evaluating, treating, or instructing offenders placed on probation or parole or assigned to any other community-based program operated by the Division of Adult Probation and Parole.
- (25) "Probation/Parole Intake Officer" means an employee of the Division of Adult Probation and Parole, other than a regular Probation/Parole officer, whose duties include conducting, preparing, or delivering investigations, reports, and recommendations, either before or after sentencing, upon the request or referral of the court, the Parole Commission, or the Director of the Division of Adult Probation and Parole.
- (26) "Probation/Parole Intensive Officer" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole officer, probation/parole intake officer, and probation/parole officer-surveillance who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole, whose duties include supervising, investigating, reporting, counseling, treating, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who serves as the lead officer in such a unit.
- (27) "Probation/Parole Officer - Surveillance" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole and a probation/parole intake officer who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole whose duties include supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who is trained in community corrections and law enforcement techniques.
- (28) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10,500 to 10,550 MHZ frequency (X) band or transmits microwave energy in the 24,050 to 24,250 MHZ frequency (K) band and either of which operates in the stationary and/or moving mode. "Radar" further means a speed-measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.
- (29) "Resident" means any youth committed to a facility operated by the North Carolina Division of Youth Services.
- (30) "School" or "criminal justice school" means an institution, college, university, academy, or agency which offers criminal justice, law enforcement, penal, correctional, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.
- (31) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.
- (32) "Speed-Measuring Instruments" means those devices or systems formally approved and recognized under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as specifically restricted in the approved list of 12 NCAC 9C .0601.
- (33) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (34) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.
- (35) "State Youth Services Officer" means an employee of the North Carolina Division of Youth Services whose duties include the evaluation, treatment, instruction, or supervision of juveniles committed to that agency.

Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217.

SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

.0102 BACKGROUND INVESTIGATION

(a) Any agency contemplating the employment of an applicant as a criminal justice officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a

criminal justice officer and shall determine whether the applicant is of good moral character.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form to provide a basis for the investigation.

(c) The agency shall utilize an experienced investigator to conduct the applicant's background investigation. The investigator shall document the results of the investigation and shall include in the report of investigation:

- (1) biographical data;
- (2) family data;
- (3) scholastic data;
- (4) employment data;
- (5) criminal history data;
- (6) interviews with the applicant's references; and
- (7) a summary of the investigator's findings and conclusions regarding the applicant's moral character.

(d) ~~The agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs. However, the~~ The Commission's Summary of Mandated Background Investigation Form should must be used as a guide of minimum information to be collected and recorded by the investigator.

(e) Upon written request by the Director of the Standards Division, the employing agency shall provide the Commission with a copy of any background investigation retained by the agency.

Authority G.S. 17C-6.

.0111 MINIMUM STANDARDS FOR LAW ENFORCEMENT OFFICERS

In addition to the requirements for criminal justice officers contained in Rule .0101 of this Section, every law enforcement officer employed by an agency in North Carolina shall:

- (1) not have committed or been convicted of:
 - (a) a felony; or
 - (b) a crime for which the punishment could have been imprisonment for more than two years; or
 - (c) a crime or unlawful act defined as a "Class B misdemeanor" within the five year period prior to the date of application for employment; or
 - (d) four or more crimes or unlawful acts defined as "Class B misdemeanors" regardless of the date of conviction; or
 - (e) four or more crimes or unlawful acts defined as "Class A misdemeanors" except the applicant may be employed if the last conviction occurred more than two years prior to the date of application for employment;
- (2) be a high school graduate or have passed the General Educational Development Test indicating

high school equivalency; and

Note: Although not presently required by these Rules, the Commission recommends that, on the date of employment or within 24 months thereafter, every candidate for employment as a law enforcement officer have completed no less than six semester units or nine quarter units of educational credit at an accredited institution of higher education.

- (3) satisfactorily complete the employing agency's in-service firearms training program as prescribed in 12 NCAC 9E .0105 - .0106. Such firearms training compliance must have occurred prior to submission of the application for appointment to the Commission and must be completed using the department-approved service handgun(s) and any other weapon(s) that the applicant has been issued or authorized to use by the agency.

Authority G.S. 17C-6; 17C-10.

SECTION .0200 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION

.0206 BASIC TRAINING -- CORRECTIONAL OFFICERS

(a) The basic training course for correctional officers shall consist of a minimum of 160 hours of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function as a correctional officer.

(b) Each basic training course for correctional officers shall include the following identified topic areas and minimum instructional hours for each area:

- (1) The Division of Prisons Employee 2 Hours
- (2) Prison Security Functions and Procedures 4 Hours
- (3) Contraband and Techniques of Search 8 Hours
- (4) Inmate Supervision 8 Hours
- (5) Firearms 2624 Hours
- (6) Inmate Classification Process and Programs 4 Hours
- (7) Understanding Inmate Behavior 12 Hours
- (8) Prison Emergency Operations 18 Hours
- (9) Radio Communications, Transporting, and Restraints 4 Hours
- (10) Basic Life Support 842 Hours
- (11) Prison Health Services 2 Hours
- (12) Report Writing 6 Hours
- (13) You and the Law 4 Hours
- (14) Interpersonal Communication Skills 1846 Hours
- (15) Unarmed Self Defense 18 Hours
- (16) Role of the Correctional Witness 4 Hours
- (17) Disciplinary and Inmate Grievance Procedures 4 Hours
- (18) Administrative Matters, Review

and Testing	10 Hours
Total	160 Hours

(c) The "Basic Correction Officer Training Manual" as published by the Department of Correction is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6, to apply as the basic curriculum for delivery of correctional officer basic training courses. Copies of this publication may be inspected at the office of the agency:

The Office of Staff Development and Training
North Carolina Department of Correction
1001 Mountford Avenue
Raleigh, North Carolina 27626-0540

and may be obtained from the Department of Correction for fifty dollars (\$50.00) per copy.

(d) Commission-accredited schools that are accredited to offer the "Basic Training: Correctional Officers" course are: The Office of Staff Development and Training of the North Carolina Department of Correction.

Authority G.S. 17C-6; 17C-10.

.0224 BASIC TRAINING – COUNTY CONFINEMENT FACILITY

(a) The basic training course for ~~"Jailers"~~ detention officers as prescribed in 12 NCAC 10B by the North Carolina ~~Sheriff's~~ Sheriffs' Education and Training Standards Commission is hereby ~~"incorporated by reference, incorporated by reference,"~~ material as provided by G.S. 150B-21.6, to be the minimum basic training course required for ~~district and~~ county confinement facility personnel. The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic curriculum for county confinement facility personnel. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual is forty dollars (\$40.00) per copy.

(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this requirement.

Authority G.S. 17C-2; 17C-6; 17C-10.

.0225 BASIC TRAINING -- LOCAL CONFINEMENT PERSONNEL

(a) The basic training course for ~~Jailers~~ detention officers as prescribed in 12 NCAC 10B by the North Carolina ~~Sheriff's~~ Sheriffs' Education and Training Standards Commission is hereby incorporated by reference,

~~"incorporated by reference, including any subsequent and shall automatically include any later amendments and editions of the incorporated matter,"~~ material as provided by G.S. 150B-21.6 to be the minimum basic training course required for local confinement facility personnel. The "Detention Officer Certification Training Manual" as published by the North Carolina Justice Academy shall apply as the basic curriculum for local confinement facility personnel. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099. The cost of this manual is forty dollars (\$40.00) per copy.

(b) Notice of successful course completion issued by the Sheriffs' Standards Division shall be sufficient to satisfy this ~~requirements-~~ requirement.

Authority G.S. 17C-2; 17C-6; 17C-10.

SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING

.0409 SATISFACTION OF MINIMUM TRAINING -- SMI OPERATORS

(a) To satisfy the minimum training requirements for operator certification, a trainee shall:

- (1) achieve a score of 70 percent correct answers on the comprehensive written examination, provided for in 12 NCAC 9B .0408(d).
- (2) demonstrate successful completion of an accredited offering of courses as prescribed under either 12 NCAC 9B .0210, .0211, .0212, .0213, .0214 or .0215 as shown by the certification of the school director.
- (3) demonstrate 100 percent proficiency in the motor-skill and performance subject areas as demonstrated to a certified radar or time-distance instructor and further evidenced through documentation on the Commission's SMI 1, 2, 3 or 4 forms and by the subscribing instructor's certification of trainee competence.
- (4) ~~present evidence showing completion of a minimum of eight hours of radar training prior to enrollment in a commission-accredited operator training course as prescribed in 12 NCAC 9B .0212 or 12 NCAC 9B .0213 or present evidence showing completion of 16 hours of supervised field practice within 90 days after completing a commission-accredited~~ Commission-accredited radar operator training course as prescribed in 12 NCAC 9B .0212 or 12 NCAC 9B .0213 or present evidence showing prior radar operator certification that meets or exceeds the radar operator training courses as prescribed in 12 NCAC 9B .0212 or 12 NCAC 9B .0213 and radar operator certification requirements as prescribed in 12 NCAC 9B .0409.

(b) Any trainee failing to achieve 100 percent proficiency

in the motor-skill area may request written permission from the Director of the Standards Division for re-examination.

- (1) The trainee's request for re-examination shall be made in writing and must be received by the Standards Division within 30 days of the original examination.
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course.
- (3) A trainee shall have, within 90 days of the original examination, only one opportunity for motor-skill re-examination and must satisfactorily complete each identified area of deficiency on the original motor-skill examination.
- (4) The trainee will be assigned in writing by the Director of the Standards Division a place, time and date for re-examination.
- (5) If the trainee fails to achieve the prescribed minimum score on the examination, the trainee will not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

(c) To satisfy the minimum training requirements for operator re-certification, an operator seeking re-certification shall:

- (1) Achieve a score of 75 percent correct answers on the comprehensive written examination provided for in 12 NCAC 9B .0408(e).
- (2) Demonstrate successful completion of an accredited offering of courses as prescribed under either 12 NCAC 9B .0218, .0219, .0220, .0221, or .0222 as shown by the certification of the school director.
- (3) Satisfy all motor-skill requirements as required in 12 NCAC 9B .0409(a)(3).

(d) At the time a trainee seeking operator re-certification fails to achieve the prescribed minimum requirements on the comprehensive written examination as specified in 12 NCAC 9B .0409(c)(1), certification of the officer automatically and immediately terminates and that officer will not be re-certified until successful completion of a subsequent course offering as prescribed under either 12 NCAC 9B .0210, .0211, .0212, .0213, or .0214 before further examination may be permitted.

(e) At the time a trainee seeking operator re-certification fails to achieve the prescribed minimum motor-skill requirements as specified in 12 NCAC 9B .0409(c)(3), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of the required motor-skill testing. Provided, however, such an officer may request re-examination as prescribed in 12 NCAC 9B .0409(b).

Authority G.S. 17C-6.

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS

SECTION .0300 - CERTIFICATION OF CRIMINAL JUSTICE OFFICERS

.0304 GENERAL CERTIFICATION

(a) The Commission shall grant an officer general certification if evidence is received by the Standards Division that an officer has successfully completed the training requirements of 12 NCAC 9B .0400 within the officer's probationary period and that the officer has met all other requirements for general certification. General certification shall not be granted if the officer's department head submits a written request to the Director of the Standards Division to withhold general certification from the officer.

(b) The Commission shall honor a valid general certification issued to a deputy sheriff by the North Carolina Sheriffs' Education and Training Standards Commission for the purpose of lateral transfer, as provided for in 12 NCAC 9C .0306, to a law enforcement agency under the jurisdiction of G.S. 17C if evidence is received by the Standards Division that the officer has successfully completed the training requirements as mandated by the Sheriffs' Commission within the officer's probationary period and the officer has successfully completed the training requirements of 12 NCAC 9B .0205 in addition to complying with all other commission requirements for general certification.

(c) For local confinement personnel in service prior to June 1, 1986, the Commission shall grant General Certification to all local confinement personnel officially appointed and in local confinement facility ~~service~~, service or county confinement facility service ~~service~~, or ~~district confinement facility~~ service with any political subdivision of the state on May 31, 1986. Such personnel shall be exempt from the provisions of Rules 9C .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before August 31, 1986 and all General Certification granted after that date shall be as prescribed in 9C .0300.

(d) For local confinement personnel of juvenile detention homes, either state or local, in service prior to January 1, 1990, the Commission shall grant General Certification to all local confinement personnel officially appointed and in juvenile detention homes with any political subdivision of the state on December 31, 1989. Such personnel shall be exempt from the provisions of Subchapter 9C, Rules .0301, .0302 and .0303 of this Section and from basic training requirements applicable to those certified as probationary officers. Any personnel wishing to take advantage of the privilege granted by this Paragraph shall apply on or before March 31, 1990 and all General Certifications granted after that date shall be as prescribed in Subchapter 9C, Section

SUBCHAPTER 9C - ADMINISTRATION OF

.0300.

(e) General certification is continuous from the date of issuance, so long as:

- (1) The certified officer remains continuously employed or appointed as a criminal justice officer in good standing with an agency and the certification has not been terminated for cause; or
- (2) The certified officer, having separated in good standing from a criminal justice agency, is re-appointed or re-employed as a criminal justice officer within one year, and the certification has not been terminated for cause; and
- (3) The certified officer meets the in-service training requirements as prescribed in 12 NCAC 9E during each full calendar year of certification.

Authority G.S. 17C-2; 17C-6; 17C-10.

.0307 AGENCY RETENTION OF RECORDS OF CERTIFICATION

Each agency shall place in personnel files the official notification from the Commission of either probationary or general certification for each criminal justice officer employed or appointed by the agency. Such files shall be available for examination at any reasonable time by representatives of the Commission for the purpose of verifying compliance with these Rules. The personnel files shall also contain:

- (1) the officer's Personal History Statement;
- (2) the officer's Medical History Statement and Medical Examination Report;
- (3) documentation of the officer's drug screening results;
- (4) ~~a written summary of the officer's Mandated Background Investigation Form conducted on the officer; as completed by the agency's investigator;~~
- (5) a written summary of the officer's Qualifications Appraisal Interview;
- (6) documentation of the officer's educational achievements;
- (7) documentation of all criminal justice training completed by the officer;
- (8) the results of the officer's fingerprint record check;
- (9) a written summary of the officer's psychological examination results; and
- (10) for the law enforcement officer, documentation on a commission-approved form that the officer has completed the minimum in-service training as required.

Authority G.S. 17C-2; 17C-6.

.0309 LATERAL TRANSFER OF LOCAL CONFINEMENT PERSONNEL

(a) An officer, supervisor or administrator with general certification may transfer from one local confinement facility

to another local confinement facility, or may transfer from one county ~~or district~~ confinement facility to another county ~~or district~~ confinement facility with less than a 12-month break in service. Prior to employing the individual, the employing agency shall:

- (1) verify the certification of the individual with the Standards Division;
- (2) submit an up-to-date fingerprint check in the same manner as prescribed for non-certified new applicants; no certification will be transferred if the holder has been convicted since initial certification of any offense for which revocation or suspension or certification is authorized;
- (3) advise the individual that he will be serving under a probationary appointment with the agency for one year;
- (4) notify the Commission, by submitting a Report of Appointment, that the individual is being employed and stating the date on which employment will commence.

(b) Prior to transfer of certification, local confinement personnel shall:

- (1) complete a Medical History Statement Form within one year prior to the transfer to the employing agency;
- (2) submit to examination by a physician licensed to practice medicine in North Carolina in the same manner prescribed for non-certified new applicants in 12 NCAC 9B .0104 within one year prior to the transfer to the employing agency;
- (3) submit results of the physical examination to the employing agency for placement in the individual's permanent personnel file; and
- (4) produce a negative result on a drug screen administered according to the specifications outlined in 12 NCAC 9B .0101(5).

(c) Local confinement personnel previously certified who were not previously required to meet the educational or basic training requirements are not required to meet such requirements when laterally transferring to another agency with less than a 12-month break in service.

Authority G.S. 17C-2; 17C-6; 17C-10.

SECTION .0600 - EQUIPMENT AND PROCEDURES

.0601 APPROVED SPEED-MEASURING INSTRUMENTS

~~(a) The following speed measuring instruments are approved for radio-microwave (RADAR) use, provided they are operated with a single antenna:~~

	Manufacturer	Model	Mode
(1)	Kustom Signals, Inc.	HR-8	Stationary
(2)	Kustom Signals, Inc.	HR-12	Moving/Stationary
(3)	Kustom Signals, Inc.	KR-1M	Moving/Stationary

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- (4) MPH Industries, Inc. K 15 Stationary
- (5) MPH Industries, Inc. K 55 Moving/Stationary
- (6) MPH Industries, Inc. S 80 Moving/Stationary
- (7) Decatur Electronics, Inc. Ra Gun Stationary
- (8) Kustom Signals, Inc. KR 10 Moving/Stationary
- (9) Kustom Signals, Inc. Falcon Stationary
- (10) Kustom Signals, Inc. Roadrunner Stationary
- (11) Kustom Signals, Inc. Troop Moving/Stationary
- (12) Decatur Electronics, Inc. MVR Moving/Stationary
- (13) Decatur Electronics, Inc. Hunter Moving/Stationary
- (14) Kustom Signals, Inc. Pro 1000 Moving/Stationary
- (15) MPH Industries, Inc. K 15 II Stationary
- (16) Applied Concepts, Inc. Stalker MER Moving/Stationary
- (17) Decatur Electronics, Inc. General Moving/Stationary
- (18) Applied Concepts, Inc. Stalker ATR Stationary
- (19) Applied Concepts, Inc. Stalker DM Moving/Stationary
- (20) Applied Concepts, Inc. Stalker DM Moving/Stationary
- (21) Kustom Signals, Inc. Eagle Moving/Stationary
- (22) Kustom Signals, Inc. Eagle; II Moving/Stationary
- (23) Kustom Signals, Inc. Eagle; S Moving/Stationary
- (24) Kustom Signals, Inc. Eagle; G Moving/Stationary
- (25) M.P.H. Industries, Inc. BEE Moving/Stationary

(b) The following speed measuring instruments are approved for time distance use:

Manufacturer	Model	Mode
Traffic Safety Systems, Inc.	VASCAR	Moving/Stationary

(c) All approved models and types of radio microwave (radar) speed measuring instruments are made subject to and restricted as follows:

- (1) The automatic operate functions have been disconnected.
- (2) The automatic alarms, audio and visual have been disconnected.
- (3) The automatic locking functions have been disconnected.
- (4) The instrument does not provide an external control that would permit the adjustment or correction of the zero or calibration readings.
- (5) The "High Speed Lock" function has been disconnected.

Note: The automatic functions that shall be disconnected are any and all automatic violation alarm or lock capabilities that occur prior to the speed measuring instrument being manually locked by the operator.

(d) All radar speed measuring instruments, as herein defined, purchased on or after July 1, 1982 for speed enforcement shall meet or exceed performance specifications as provided in the "Model Performance Specifications for Police Traffic Radar Devices" as prepared by the Law Enforcement Standards Laboratory of the National Bureau of Standards and published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) incorporated by reference herein and including any later amendments and

editions as provided for in G.S. 150B-21.6. Copies of the document in this Rule are available from the agency address at the cost of three dollars and seventy five cents (\$3.75) per copy.

(e) Prior to inclusion as an approved radar speed measuring instrument, the manufacturer of said instrument shall certify in writing to the agency that said instrument meets or exceeds the standards of 12 NCAC 9C .0601(d) and provide a copy of a testing report or other document illustrating the method and results used in such certification.

The following procedures shall be adhered to for approval of speed measuring instruments:

- (1) Prior to the inclusion as an approved speed-measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1 West Morgan Street
Court of Appeals Building
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at no cost from the National Highway Traffic Safety Administration at the following address:

National Highway Traffic Safety Administration
400 Seventh Street, SW
Washington, DC 20590

The manufacturer shall provide evidence that the instrument meets or exceeds the applicable standards published by the National Highway Traffic Safety Administration, United States Department of Transportation.

- (2) All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Crime Control and Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Radar Program Administrator.
- (3) A current list of all approved speed-measuring

instruments shall be included in all speed-measuring instrument operator training course manuals published by the North Carolina Justice Academy.

- (4) The "Speed-Measurement Instrument Operator Training Course Manual" as published by the North Carolina Justice Academy is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6, to apply as the basic curriculum for the speed-measuring instrument operator training courses for speed-measuring instrument operators as administered by the North Carolina Criminal Justice Education and Training Standards Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1 West Morgan Street
Court of Appeals Building
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained for nineteen dollars (\$19.00) per copy from the Academy at the following address:

North Carolina Justice Academy
Post Office Box 99
Salemberg, North Carolina 28385

Authority G.S. 17C-6.

.0602 TESTING: ACCURACY

~~All radio microwave (radar) and time distance speed measuring instruments, tuning forks and stopwatches shall be tested for accuracy by a technician possessing at least a valid second class or general radiotelephone license from the Federal Communications Commission or a certification issued by organizations or committees endorsed by the Federal Communications Commission. These tests shall be conducted in accordance with the requirements prescribed in G.S. 8-50.2. Every person testing speed measuring instruments, tuning forks, or stopwatches shall test said equipment in accordance with G.S. 8-50.2, 12 NCAC 9C .0602, .0603 and .0604. The results of the above tests shall be recorded on forms provided by the Commission.~~

Authority G.S. 8-50.2; 17C-6.

.0603 TESTING: RADIO MICROWAVE (RADAR)

- ~~(a) The minimum specific test for radio microwave (radar) shall include:~~
 - ~~(1) Transmission Frequency Test. X Band, K Band,~~

- ~~and Ka Band instruments, when operated at the standard supply voltage, the transmission frequency shall be within plus minus .2 percent of the assigned frequency as specified in 47 CFR 90.103(22) of the F.C.C. rules and regulations.~~
- ~~(2) The technician testing each radar instrument shall test each instrument against the operator calibration and testing for accuracy procedures required by G.S. 17C-6(a)(13) and G.S. 8-50.2(b)(4) for each approved instrument.~~
 - ~~(b) During the radio microwave (radar) accuracy test the technician shall test each instrument to determine that the:~~
 - ~~(1) Automatic operate function is disconnected.~~
 - ~~(2) Automatic alarms, audio and visual is disconnected.~~
 - ~~(3) Automatic locking capability is disconnected.~~
 - ~~(4) Instrument does not provide an external control that would permit the adjustment or correction of the zero or calibration readings.~~
 - ~~(5) The "High Speed Lock" function is disconnected.~~
 - ~~(6) If the above five functions have not been disconnected the radio microwave (radar) instrument shall not pass the test.~~
- ~~Note: The automatic functions that shall be disconnected are any and all automatic violation alarm or lock capabilities that occur prior to the speed measuring instrument being manually locked by the operator.~~

- ~~(c) Tuning Fork Accuracy Test:~~
 - ~~(1) Every tuning fork K Band, X Band, and Ka Band used to determine radio microwave (radar) accuracy shall be tested by a technician possessing at least a valid second class or general radiotelephone license from the Federal Communications Commission or a certification issued by organizations or committees endorsed by the Federal Communications Commission. This test shall be conducted in accordance with the requirements prescribed in G.S. 8-50.2.~~
 - ~~(2) When tested in accordance with Subparagraph (c)(1) of this Rule the frequency of vibration shall read within plus minus .75 mph of that speed stamped on the tuning fork.~~
 - ~~(3) All tuning forks that are not stamped with a serial number for identification purposes shall be so impressed on the handle or heel, not on the tine portion, by the testing technician. The serial number is to be the same as the serial number on the radar amplifier, radar control cabinet, radar antenna or such other identifying number as assigned by the owning agency.~~

Authority G.S. 17C-6.

.0604 TESTING: TIME-DISTANCE

- ~~(a) The minimum specific test for time distance speed measuring instruments shall include:~~

- ~~(1) The time distance device shall not be capable of accepting double time or double distance into the computer.~~
- ~~(2) Vasear Plus by Traffic Safety Systems, Inc. Turn the power switch off, set all thumbwheels to zero, turn power on, display shall read all eights (8). If any other numbers are displayed there is a malfunction which shall be corrected before proceeding further with the testing procedures. Then, with power on, dial into thumbwheels the distance to be used to calibrate, either a quarter mile 02500 or one half mile 05000. Enter an exact quarter or one half mile of distance from a pre-measured location on the highway by turning the distance switch on at the beginning of the pre-measured course and off at the end of the pre-measured course. Dial into the thumbwheels the calibration number now displayed in the readout. Turn power switch off then on and again travel through the pre-measured course turning the distance switch on at the beginning of the course and off at the end of the course. Enter 15.0 seconds of time for one quarter mile distance or 30.0 seconds for one half mile distance. Press distance recall button. Display shall read distance you originally dialed into thumbwheels within plus minus 1/4 of 1 percent. One quarter mile readout shall be between 02494 and 02506. One half mile readout shall be between 04988 and 05012. If distance readout is correct release the distance recall button. A mph reading of 60.0 mph plus minus 1 percent is acceptable (.6 mph plus minus or 59.4 to 60.6).~~

~~(b) Stopwatch Accuracy Test:~~

- ~~(1) Every stopwatch used to enter a known amount of time into the time distance speed-measuring instrument computer to determine accuracy shall be tested by a technician possessing at least a valid second class or general radiotelephone license from the Federal Communications Commission or a certification issued by organizations or committees endorsed by the Federal Communications Commission. This test shall be conducted in accordance with the requirements prescribed in G.S. 8-50.2.~~
- ~~(2) The stopwatch shall be hand held, with a total time accumulation of at least five minutes. The stopwatch shall be accurate within plus minus one second in five minutes.~~

Authority G.S. 17C-6.

.0605 OPERATING PROCEDURES

~~The operating procedures and operator calibration and testing for accuracy procedures as outlined in Appendix "A" of the Radar Operator Training and Time Distance Operator Training Course Manuals published by the North Carolina~~

~~Justice Academy (1982) are hereby adopted by reference, and shall automatically include any later amendments and editions of the adopted matter as authorized by G.S. 150B-14(e). Copies of the above are available for review at the Department of Justice, Criminal Justice Standards Division, Raleigh, North Carolina and at cost from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.~~

Authority G.S. 17C-6.

.0606 CONCURRENT RESPONSIBILITY AND APPROVAL

~~Each of the preceding subsections contained in 12 NCAC 9C .0600 have been cooperatively developed and approved by the Secretary of the North Carolina Department of Crime Control and Public Safety in conjunction with the North Carolina Criminal Justice Education and Training Standards Commission.~~

Authority G.S. 17C-6.

.0607 SPEED-MEASURING INSTRUMENT ACCURACY TEST

The purpose of this Rule is to establish the minimum requirements and test methods for determining the accuracy of speed-measuring instruments used by law enforcement agencies to measure the speed of vehicles for enforcement of speed laws and regulations. All requirements and tests shall conform with G.S. 8-50.2 and G.S. 17C-6.

(1) Accuracy test standard:

- (a) Annual tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(c). The results of these tests shall be recorded on forms provided by the Commission.
- (b) Daily tests of all speed-measuring instruments shall be in conformance with G.S. 8-50.2(b)(4) and G.S.17C-6(13).

(2) Accuracy requirements and test methods:

(a) Annual:

The annual tests for accuracy requirements for each specific RADAR, Time-Distance, and LiDAR speed-measuring instrument, as outlined in Appendix "B" of the Speed-Measuring Instrument Operator Training Manual published by the North Carolina Justice Academy (1997), are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the Speed-Measuring Instrument Operator Training Manual are available for review at the Department of Justice, Criminal Justice Standards Division, Raleigh, North Carolina and are available at a cost of

nineteen dollars (\$19.00) from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.

- (b) Daily:
The daily tests for accuracy requirements for each specific RADAR, Time-Distance, and LiDAR speed-measuring instrument, as outlined in Appendix "C" of the Speed-Measuring Instrument Operator Training Manual published by the North Carolina Justice Academy (1997), are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the Speed-Measuring Instrument Operator Training Manual are available for review at the Department of Justice, Criminal Justice Standards Division, Raleigh, North Carolina and are available at a cost of nineteen dollars (\$19.00) from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.

150B-21.2 that the EHNR - Environmental Management Commission intends to adopt rule cited as 15A NCAC 2H .0225. Notice of Rule-making Proceedings was published in the Register on November 1, 1996.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 7:00 pm on January 30, 1997 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: Recently promulgated statutes titled "An Act to Implement Recommendations of the Blue Ribbon Study Commission on Agricultural Waste" (Senate Bill 1217), require the Division develop a general permit program for animal operations based on species, number of animals and other relevant factors. Existing statutory authority provides the Environmental Management Commission the ability to adopt rules setting forth the conditions under which general permits may be issued. Although such rules exist in the regulations governing permitting of discharges to surface waters, modifications to the existing rules for nondischarge permit issuance are required to establish the conditions governing the issuance of nondischarge general permits.

Comment Procedures: Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue in the North Carolina Register. Copies of the proposed rules and information package may be obtained by contacting the Permits and Engineering Unit at (919) 733-5083 (ext. 574 or 524). Written comments may be submitted to Coleen Sullins, Division of Water Quality, Water Quality Section, Permits and Engineering Unit, PO Box 29535, Raleigh, NC 27626-0535.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT
SUBCHAPTER 2H - PROCEDURES FOR PERMITS:
APPROVALS

SECTION .0200 - WASTE NOT DISCHARGED TO SURFACE WATERS

.0225 CONDITIONS FOR ISSUING GENERAL PERMITS

- (a) In accordance with the provisions of G.S. 143-215.1(b)(3) and (d), general permits may be developed by the Division and issued by the Director for categories of activities covered by this Rule. General permits may be written for categories of activities that involve the same or

Authority G.S. 8-50.2; 17C-6.

.0608 SPEED-MEASURING INSTRUMENT OPERATING PROCEDURES

The purpose of this Rule is to establish the minimum requirements for operating speed-measuring instruments used by law enforcement officers to measure the speed of vehicles for enforcement of speed laws and regulations. All operating procedures shall conform with G.S. 8-50.2 and 17C-6. The operating procedures for each specific RADAR, Time-Distance, and LiDAR speed-measuring instrument, as outlined in Appendix "C" of the Speed-Measuring Instrument Operator Training Manual published by the North Carolina Justice Academy (1997), are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the Speed-Measuring Instrument Operator Training Manual are available for review at the Department of Justice, Criminal Justice Standards Division, Raleigh, North Carolina and are available at a cost of nineteen dollars (\$19.00) from the North Carolina Justice Academy, Post Office Drawer 99, Salemburg, North Carolina 28385.

Authority G.S. 8-50.2; 17C-6.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S.

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substantially similar operations, have similar treated waste characteristics, require the same limitations or operating conditions, and require the same or similar monitoring. Each of the general permits shall be issued under G.S. 143-215.1(d). After issuance of a general permit by the Director, persons operating facilities described by the general permit may request coverage under it, and the Director or his designee may grant appropriate certification. All individual operations which receive a "Certificate of Coverage" under a general permit are permitted under the specific general permit for which the coverage was issued. Persons operating facilities covered under general permits developed in accordance with this Rule shall be subject to the same limits, conditions, management practices, enforcement authorities, and rights and privileges as specified in the general permit.

(b) Upon development of a draft general permit, the Director shall publicly notice under G.S. 143-215.4(b)(1) and (2), at least 30 days prior to final action, an intent to issue the general permit. A one time publication of the notice in a newspaper having general circulation in the geographic areas affected by the proposed permit shall be required. The notice shall provide the name, address and phone number of the agency issuing the notice, a brief description of the intended action, and a brief description of the procedures for the formulation of final determinations, including a 30-day comment period and other means by which interested persons may comment upon the determinations.

(c) No provisions in any general permit issued under this Rule shall be interpreted as allowing the permittee to violate state water quality standards or other applicable environmental standards.

(d) To obtain an individual certificate of coverage, a Notice of Intent to be covered by the general permit must be given using forms provided by the Division following the application procedures specified in this Section. If all requirements are met, coverage under the general permit may be granted. If all requirements are not met, an individual permit application and full application review procedure shall be required.

(e) General permits shall be effective for a term not to exceed five years at the end of which the Division may renew them. The Division shall satisfy public notice requirements prior to renewal of general permits. Operators covered by general permits need not submit new Notices of Intent or renewal requests unless so directed by the Division. If the Division chooses not to renew a general permit, all operations covered under that general permit shall be notified to submit applications for individual permits.

(f) Anyone engaged in activities covered by the general permit rules but not permitted in accordance with this Section shall be considered in violation of G.S. 143-215.1.

(g) Any individual covered or considering coverage under a general permit may choose to pursue an individual permit for any operation covered by this Rule.

(h) The Director may require any person, otherwise eligible for coverage under a general permit, to apply for an individual permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and application instructions, a statement establishing the required date for submission of the application, and a statement informing the person that coverage by the general permit shall automatically terminate upon issuance of the individual permit. Reasons for requiring application for an individual permit may include:

- (1) the operation is a significant contributor of pollutants to the waters of the state;
- (2) conditions at the permitted site change, altering the constituents or characteristics of the wastewater such that the operation no longer qualifies for coverage under a general permit;
- (3) noncompliance with the general permit;
- (4) noncompliance with Division rules;
- (5) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the operation;
- (6) a determination that there has been or is the potential to have a direct discharge of wastewater, sludge or residuals to waters of the state;
- (7) the system has been allowed to deteriorate or leak such that it poses an immediate threat to the environment.

(i) General permits or individual certificate of coverages may be modified, terminated, or revoked and reissued in accordance with the authority and requirements of rules of this Section.

Authority G.S. 143-215.1; 143-215.3(a)(1); 143-215.10C.

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Wildlife Commission intends to amend rule cited as 15A NCAC 10F .0327. Notice of Rule-making Proceedings was published in the Register on October 15, 1996.

Proposed Effective Date: July 1, 1998

A Public Hearing will be conducted at 10:00 a.m. on February 3, 1997 at the Archdale Building, Wildlife Conference Room, 512 N. Salisbury Street, Raleigh, NC 27604.

Reason for Proposed Action: To regulate boat speed in congested area.

Comment Procedures: Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written

comments from 1/15/97 - 2/15/97. Such written comments must be delivered or mailed to NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

Fiscal Note: This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0300 - LOCAL WATER SAFETY REGULATIONS

.0327 MONTGOMERY COUNTY

(a) Regulated Areas. This Rule applies to the waters and portions of waters described as follows:

- (1) Badin Lake.
(2) Lake Tillery.
(3) Woodrun Cove. Those waters within 50 yards of the mouth of Woodrun Cove located on Lake Tillery as delineated by appropriate markers and within 50 yards of the boat ramp located at the head of Woodrun Cove.
(4) Tuckertown Reservoir.
(5) Carolina Forest Cove. The mouth of Carolina Forest Cove located on Lake Tillery as delineated by appropriate markers.

(b) Speed Limit Near Shore Facilities. No person shall operate a vessel at greater than no-wake speed within 50 yards of any marked boat launching area, dock, pier, bridge, marina, boat storage structure, or boat service area on the waters of the regulated areas described in Paragraph (a) of this Rule.

(c) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Wildlife Resources Commission on the waters of the regulated areas described in Paragraph (a) of this Rule.

(d) Placement and Maintenance of Markers. The Board of Commissioners of Montgomery County is hereby designated a suitable agency for placement and maintenance of the markers hereby authorized, subject to the approval of the United States Coast Guard and the United States Army Corps of Engineers. With regard to marking the regulated areas described in Paragraph (a) of this Rule, supplementary standards as set forth in Rule .0301(g)(1) to (8) of this Section shall apply.

Authority G.S. 75A-3; 75A-15.

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNHR - Commission for Health Services intends to amend rules cited a 15A NCAC 13A .0101, .0105, .0107, .0111, .0112 and .0119. Notice of Rule-making Proceedings was published in the Register on November 15, 1996.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:00 pm on February 5, 1997 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: 15A NCAC 13A .0101 - To include the name change from the Division of Solid Waste Management to the Division of Waste Management to be consistent with the recent legislative name change revisions in G.S. 130A-291. To update changes in the cost of publications obtained from the U.S. Government Printing Office, Washington, DC, 20402, which are incorporated by reference and updates changes in the cost of the NC Hazardous Waste Management Rules and Solid Waste Management law book.

15A NCAC 13A .0105 - To incorporate by reference 40 CFR 124.31 through 124.33 (Subpart B), "Specific Procedures Applicable to RCRA Permits", and substitutes for the provisions of 40 CFR 124.31(a), 124.32(a) and 124.33(a) which are not incorporated by reference. Also the amendment will revise the adoption by reference wording as required by G.S. 150B-21.6.

15A NCAC 13A .0107- To incorporate by reference 40 CFR 262.80 through 262.89 (Subpart H), "Transfrontier Shipments of Hazardous Waste for Recovery within the OECD" with the exception of 40 CFR 262.89(e) which is not incorporated by reference.

15A NCAC 13A .0111- To remove 40 CFR 266.30 through 266.35 (Subpart D), "Hazardous Waste Burned for Energy Recovery". 40 CFR 266.30 through 266.35 (Subpart D) was replaced by 40 CFR 266.100 through 266.112 (Subpart H), "Hazardous Waste Burned in Boilers and Industrial Furnaces", and is to be relocated in Paragraph (d).

15A NCAC 13A .0112 - The proposed amendment will add 40 CFR 268.39 "Waste specific prohibitions - End-of-pipe CWA, CWA-equivalent, and Class I nonhazardous injection well treatment standards; spent aluminum potliners; and carbamate wastes" to (Subpart C), "Prohibitions on Land Disposal".

15A NCAC 13A .0119 - The proposed amendment will add 40 CFR 273.6 "Definitions" to Paragraph (a), (Subpart A), "General".

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Written comments may be presented at the public hearing or submitted to Jill Weese, Department of Justice, PO Box 629,

Raleigh, NC, 27602-0629. All written comments must be received by February 14, 1997. Persons who wish to speak at the hearing should contact Ms. Weese at (919) 733-4618. Persons who call in advance of the hearing will be given priority on the speaker's list. Oral presentation lengths may be limited depending on the number of people that wish to speak at the public hearing. Only persons who have made comments at a public hearing or who have submitted written comments will be allowed to speak at the commission meeting. Comments made at the Commission meeting must either clarify previous comments or proposed changes from staff pursuant to comments made during the public hearing process.

IT IS VERY IMPORTANT THAT ALL INTERESTED AND POTENTIALLY AFFECTED PERSONS, GROUPS, BUSINESSES, ASSOCIATIONS, INSTITUTIONS OR AGENCIES MAKE THEIR VIEWS AND OPINIONS KNOWN TO THE COMMISSION FOR HEALTH SERVICES THROUGH THE PUBLIC HEARING AND COMMENT PROCESS, WHETHER THEY SUPPORT OR OPPOSE ANY OR ALL PROVISIONS OF THE PROPOSED RULES. THE COMMISSION MAY MAKE CHANGES TO THE RULES AT THE COMMISSION MEETING IF THE CHANGES COMPLY WITH G.S. 150B-21.2(f).

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 13 - SOLID WASTE MANAGEMENT

SUBCHAPTER 13A - HAZARDOUS WASTE MANAGEMENT

SECTION .0100 - HAZARDOUS WASTE

.0101 ~~.0001~~ GENERAL

(a) The Hazardous Waste Section of the ~~Solid Waste Management Division~~ Division of Waste Management shall administer the hazardous waste management program for the State of North Carolina.

(b) In applying the federal requirements incorporated by reference throughout this Subchapter, the following substitutions or exceptions shall apply:

- (1) "Department of Environment, Health, and Natural Resources" shall be substituted for "Environmental Protection Agency" except in 40 CFR 262.51 through 262.54, 262.56, 262.57 where references to the Environmental Protection Agency shall remain without substitution;
- (2) "Secretary of the Department of Environment, Health, and Natural Resources" shall be substituted for "Administrator," "Regional Administrator" and "Director" except for 40 CFR 262.55 through 262.57, 264.12(a), 268.5, 268.6,

268.42(b) and 268.44 where the references to the Administrator, Regional Administrator, and Director shall remain without substitution; and

- (3) An "annual report" shall be required for all hazardous waste generators, treaters, storers, and disposers rather than a "biennial report".

(c) In the event that there are inconsistencies or duplications in the requirements of those Federal rules incorporated by reference throughout this Subchapter and the State rules set out in this Subchapter, the provisions incorporated by reference shall prevail except where the State rules are more stringent.

(d) 40 CFR 260.1 through 260.3 (Subpart A), "General," ~~are have been~~ incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 260.11, "References", ~~is has been~~ incorporated by reference including subsequent amendments and editions.

(f) Copies of all materials in this Subchapter may be inspected or obtained as follows:

- (1) Persons interested in receiving rule-making notices concerning the North Carolina Hazardous Waste Management Rules must submit a written request to the Hazardous Waste Section, P.O. Box 27687, Raleigh, N.C. 27611-7687. A check in the amount of fifteen dollars (\$15.00) made payable to The Hazardous Waste Section must be enclosed with each request. Upon receipt of each request, individuals will be placed on a mailing list to receive notices for one year.
- (2) Material incorporated by reference in the Federal Register may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost of ~~four hundred and fifteen dollars (\$415.00)~~ five hundred and forty four dollars (\$544.00) per year. Federal Register materials are codified once a year in the Code of Federal Regulations and may be obtained at the above address for a cost of: 40 CFR 1-51 ~~thirty one dollars (\$31.00)~~; forty dollars (\$40.00), 40 CFR 260-299 ~~thirty six dollars (\$36.00)~~ forty dollars (\$40.00) and 40 CFR ~~100-149 thirty four dollars (\$34.00)~~ 40 CFR 87-149, forty one dollars (\$41.00), total ~~one hundred and one dollars (\$101.00)~~ one hundred twenty one dollars (\$121.00).
- (3) The North Carolina Hazardous Waste Management Rules, including the incorporated by reference materials, may be obtained from the Hazardous Waste Section at a cost of ~~sixteen dollars (\$16.00)~~ twenty five dollars (\$25.00).
- (4) All material is available for inspection at the Department of Environment, Health, and Natural Resources, Hazardous Waste Section, 401 Oberlin Road, Raleigh, N.C.

Authority G.S. 130A-294(c); 150B-21.6.

.0105 -0005 GENERAL PROGRAM REQUIREMENTS - PART 12

waste management units.

(a) 40 CFR 124.1 through 124.21 (Subpart A), "General Program Requirements", ~~are have been~~ incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.2(c) is not incorporated by reference.

Authority G.S. 130A-294(c); 150B-21.6.

(b) 40 CFR 124.31 through 124.33 (Subpart B), "Specific Procedures Applicable to RCRA Permits", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.31(a), 124.32(a) and 124.33(a) are not incorporated by reference.

.0107 -0007 STDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE - PART 262

(a) 40 CFR 262.10 through 262.12 (Subpart A), "General", ~~are have been~~ incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 262.20 through 262.23 (Subpart B), "The Manifest", ~~are have been~~ incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 262.30 through 262.34 (Subpart C), "Pre-Transport Requirements", ~~are have been~~ incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 262.40 through 262.44 (Subpart D), "Recordkeeping and Reporting", ~~are have been~~ incorporated by reference including subsequent amendments and editions. In addition, a generator shall keep records of inspections and results of inspections required by Section 262.34 for at least three years from the date of the inspection.

(e) 40 CFR 262.50 through 262.58 (Subpart E), "Exports of Hazardous Waste", ~~are have been~~ incorporated by reference including subsequent amendments and editions.

(f) 40 CFR 262.60 (Subpart F), "Imports of Hazardous Waste", ~~is has been~~ incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 262.70 (Subpart G), "Farmers" ~~is has been~~ incorporated by reference including subsequent amendments and editions.

(h) 40 CFR 262.80 through 262.89 (Subpart H), "Transfrontier Shipments of Hazardous Waste for Recovery within the OECD", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 262.89(e) is not incorporated by reference.

(i) ~~(h)~~ The appendix to 40 CFR Part 262 ~~is has been~~ incorporated by reference including subsequent amendments and editions; however, Items D, F, H, and I on the form in the appendix to 40 CFR Part 262 are required to be completed on the North Carolina Hazardous Waste Manifest form.

Authority G.S. 130A-294(c); 150B-21.6.

.0111 -0011 STDS FOR THE MGMT OF SPECIFIC HW/TYPES HWM FACILITIES - PART 266

(a) 40 CFR 266.20 through 266.23 (Subpart C), "Recyclable Materials Used in a Manner Constituting Disposal", are incorporated by reference including subsequent amendments and editions.

~~(b) 40 CFR 266.30 through 266.35 (Subpart D), "Hazardous Waste Burned for Energy Recovery", are incorporated by reference including subsequent amendments and editions.~~

(b) ~~(e)~~ 40 CFR 266.70 (Subpart F), "Recyclable Materials Utilized for Precious Metal Recovery", is incorporated by reference including subsequent amendments

(1) The following shall be substituted for the provisions of 40 CFR 124.31(a) which are not incorporated by reference:

(A) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units and shall also apply to RCRA part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of this section, a "significant change" is any change that would qualify as a class 3 permit modification under 40 CFR 270.42.

(B) The requirements of this section do not apply to permit modifications under 40 CFR 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(2) The following shall be substituted for the provisions of 40 CFR 124.32(a) which are not incorporated by reference:

(A) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units.

(B) The requirements of this section shall apply to RCRA part B applications seeking renewal of permits for such units under 40 CFR 270.51.

(C) The requirements of this section do not apply to permit modifications under 40 CFR 270.42 or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(3) The following shall be substituted for the provisions of 40 CFR 124.33(a) which are not incorporated by reference: Applicability. The requirements of this section apply to all applications seeking RCRA permits for hazardous

and editions.

(c) ~~(d)~~ 40 CFR 266.80 (Subpart G), "Spent Lead-Acid Batteries Being Reclaimed", is incorporated by reference including subsequent amendments and editions.

(d) ~~(e)~~ 40 CFR 266.100 through 266.122 (Subpart H), "Hazardous Waste Burned in Boilers and Industrial Furnaces", are incorporated by reference including subsequent amendments and editions.

(e) ~~(f)~~ Appendices to 40 CFR Part 266 are incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

.0112 .0012 LAND DISPOSAL RESTRICTIONS - PART 268

(a) 40 CFR 268.1 through 268.14 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 268.30 through ~~268.38~~ 268.39 (Subpart C), "Prohibitions on Land Disposal", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 268.40 through 268.48 (Subpart D), "Treatment Standards", are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 268.50 (Subpart E), "Prohibitions on Storage", is incorporated by reference including subsequent amendments and editions.

(e) Appendices to 40 CFR Part 268 are incorporated by reference including subsequent amendments and editions.

Authority G.S. 130A-294(c); 150B-21.6.

.0119 .0019 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT - PART 273

(a) 40 CFR 273.1 through ~~273.5~~ 273.6 (Subpart A), "General" are incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 273.10 through 273.20 (Subpart B), "Standards for Small Quantity Handlers of Universal Waste" are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 273.30 through 273.40 (Subpart C), "Standards for Large Quantity Handlers of Universal Waste" are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 273.50 through 273.56 (Subpart D), "Standards for Universal Waste Transporters" are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 273.60 through 273.62 (Subpart E), "Standards for Destination Facilities" are incorporated by reference including subsequent amendments and editions.

(f) 40 CFR 273.70 (Subpart F), "Import Requirements" is incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 273.80 through 273.81 (Subpart G), "Petitions to include Other Wastes Under 40 CFR Part 273"

are incorporated by reference including subsequent amendments and editions, except that 40 CFR 273.80(a) and (b), are not incorporated by reference.

(1) The following shall be substituted for the provisions of 40 CFR 273.80(a) which were not incorporated by reference:

Any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment under this Subpart and 15A NCAC 24B .0001 and 40 CFR 260.23.

(2) The following shall be substituted for the provisions of 40 CFR 273.80(b) which were not incorporated by reference:

To be successful, the petitioner must demonstrate to the satisfaction of the Administrator that regulation under the universal waste regulations of 40 CFR Part 273 is:

- (A) appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program;
- (B) the petition must include the information required by 15A NCAC 24B .0001; and
- (C) the petition shall also address as many of the factors listed in 40 CFR 273.81 as are appropriate for the waste or waste category addressed in the petition.

Authority G.S. 130A-294(c); 150B-21.6.

Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Commission for Health Services intends to adopt rules cited as 15A NCAC 211 .0101 and 21J .0101. Notice of Rule-making Proceedings was published in the Register on May 15, 1996.

Proposed Effective Date: August 1, 1998

A Public Hearing will be conducted at 1:00 p.m. on February 5, 1997 at the Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury Street, Raleigh, NC.

Reason for Proposed Action: To adopt permanent rules for two Child Nutrition Programs that were transferred from the Department of Public Instruction to the Department of Environment, Health, and Natural Resources effective 10/1/95. House Bill 229 requires this action. These Rules will adopt and incorporate by references the Federal Regulations for the Child and Adult Care Feeding Program and the Summer Feeding Program.

Comment Procedures: All persons interested in these matters are invited to attend the public hearing. Written comments may be presented at the public hearing or submitted to Jill Weese, Department of Justice, PO Box 629, Raleigh, NC 27602-0629. All written comments must be received by February 14, 1997. Persons who wish to speak at the hearing should contact Ms. Weese at (919) 733-4618. Persons who call in advance of the hearing will be given priority on the speaker's list. Oral presentation lengths may be limited depending on the number of people that wish to speak at the public hearing. Only persons who have made comments at a public hearing or who have submitted written comments will be allowed to speak at the Commission meeting. Comments made at the Commission meeting must either clarify previous comments or proposed changes from staff pursuant to comments made during the public hearing process.

IT IS VERY IMPORTANT THAT ALL INTERESTED AND POTENTIALLY AFFECTED PERSONS, GROUPS, BUSINESSES, ASSOCIATIONS, INSTITUTIONS OR AGENCIES MAKE THEIR VIEWS AND OPINIONS KNOWN TO THE COMMISSION FOR HEALTH SERVICES THROUGH THE PUBLIC HEARING AND COMMENT PROCESS, WHETHER THEY SUPPORT OR OPPOSE ANY OR ALL PROVISIONS OF THE PROPOSED RULES. THE COMMISSION MAY MAKE CHANGES TO THE RULES AT THE COMMISSION MEETING IF THE CHANGES COMPLY WITH G.S. 150B-21.2(f).

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 21 - HEALTH: PERSONAL HEALTH

SUBCHAPTER 211 - SUMMER FOOD SERVICE PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0101 ADOPTION AND INCORPORATION BY REFERENCE: 7 C.F.R. PART 225

Title 7, Code of Federal Regulations, Part 225 is hereby adopted and incorporated by reference along with all subsequent amendments and editions. A copy of 7 C.F.R. Part 225 is maintained at the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, 1330 St. Mary's Street, Raleigh, North Carolina, or can be obtained by contacting the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, P.O. Box 10008, Raleigh, NC 27605, telephone (919) 733-2973, at a cost of five dollars (\$5.00).

Authority G.S. 130A-29; 130A-361; S.L. 1995, c. 324, s. 17.11; 42 U.S.C. § 1761.

SUBCHAPTER 21J - CHILD AND ADULT CARE FOOD PROGRAM

SECTION .0100 - GENERAL PROVISIONS

.0101 ADOPTION AND INCORPORATION BY REFERENCE: 7 C.F.R. PART 226

Title 7, Code of Federal Regulations, Part 226 is hereby adopted and incorporated by reference along with all subsequent amendments and editions. A copy of 7 C.F.R. Part 226 is maintained at the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, 1330 St. Mary's Street, Raleigh, North Carolina, or can be obtained by contacting the Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health, P.O. Box 10008, Raleigh, NC 27605, telephone (919) 733-2973, at a cost of five dollars (\$5.00).

Authority G.S. 130A-29; 130A-361; S.L. 1995, c. 324, s. 17.11; 42 U.S.C. § 1766.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 16 - BOARD OF DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina State Board of Dental Examiners intends to adopt rules cited as 21 NCAC 16V .0101 and .0102. Notice of Subject Matter was published in the Register on November 15, 1995.

Proposed Effective Date: July 1, 1997

A Public Hearing will be conducted at 3:00 p.m. on April 18, 1997 at the Office of North Carolina State Board of Dental Examiners, Chatham Bldg. of the Koger Executive Center, 3716 National Drive, Suite 221, Raleigh, NC.

Reason for Proposed Action: To define unprofessional conduct for dentists and dental hygienists.

Comment Procedures: Any person desiring to present oral data, views, or arguments on the proposed rules must, at least ten days prior to the proposed hearing, file a notice with the Board. Notice of such request to appear or failure to give timely notice may be waived by the Board in its discretion. Comments should be limited to five minutes. Any person permitted to make an oral presentation is directed to submit a written statement of such presentation to the Board prior to or at the time of

such hearing. The Board's address is Post Office Box 32270, Raleigh, North Carolina 27622-2270. Any person may file written submission of comments or argument at any time up to and including April 18, 1997.

Fiscal Note: These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SUBCHAPTER 16V - UNPROFESSIONAL CONDUCT

SECTION .0100 - DEFINITIONS

.0101 DEFINITION: UNPROFESSIONAL CONDUCT

Unprofessional conduct by a dentist shall include, but not be limited to, the following:

- (1) Having a license to practice dentistry revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country; [For purposes of this Section, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined.]
- (2) Presenting false or misleading testimony, statements, or records to the Board or the Board's investigator or employees during the scope of any investigation, or at any hearing of the Board;
- (3) Making or filing a report or record which the licensee knows to be false, failing to file a report or record required by state or federal law, or knowingly impeding or obstructing the filing of a report or record, or inducing another person to do so;
- (4) Committing any act which would constitute sexual battery, sexual misconduct or sexual harassment upon a patient or employee or engaging in any other lewd, lascivious, or immoral conduct upon a patient or employee in connection with the provision of dental services;
- (5) Violating any provision of G.S. 90-41(a) or any administrative rule, violating any lawful order of the Board previously entered in a disciplinary hearing, or failing to comply with a lawfully-issued subpoena of the Board;
- (6) Conspiring with any person to commit an act, or committing an act which would tend to coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any patient or other person who testifies or cooperates with the Board during any investigation under this Chapter;
- (7) Failing to allow properly authorized Board

- personnel, on demand, to examine and have access to original documents, reports and records that relate to the dental practice or to dental-related activity;
- (8) Failing to identify to a patient, patient's guardian or the Board the name of an employee, employer, contractor, or agent who renders dental treatment or services;
- (9) Abandoning patients before the completion of a phase of treatment as such phase of treatment is contemplated by the customary practice and standards of the dental profession in the State of North Carolina without first advising the patient of such abandonment and any further treatment that is necessary;
- (10) After being requested, failing to cooperate in a timely manner with the Board's investigation;
- (11) Physically abusing a patient;
- (12) Performing professional services without first obtaining the informed consent of the patient or the patient's legal representative, except in the case of an emergency or other circumstances where the patient is incapable of providing consent;
- (13) Prescribing, procuring, dispensing, administering, or otherwise preparing a legend drug, or any controlled substance other than in the course of professional practice; [For purposes of this Section, it shall be legally presumed that prescribing, procuring, dispensing or administering any drug, including controlled substances, in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the professional practice of the dentist, without regard to his intent. In addition, a dentist shall not use controlled substances as an inducement to secure or maintain dental patronage or aid in the maintenance of any person's drug addiction by selling, giving or prescribing controlled substances.]
- (14) Prescribing, procuring, dispensing, or administering any medicinal drug, including controlled substances, for personal use;
- (15) Being unable to practice with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition; [In enforcing this Section, the Board, upon a finding that probable cause exists to believe that the licensee is unable to practice dentistry because of the reasons stated in this rule, shall have the authority to issue an order to compel the licensee to submit to a mental or physical examination by physician(s) designated by the Board. If the licensee refuses to comply, the Board's order directing the examination may

be enforced by filing a petition for enforcement in the Circuit Court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. A licensee affected under this Section shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of the profession with reasonable skill and safety to patients.]

- (16) Pre-signing blank prescription forms or using pre-printed prescription forms with any Drug Enforcement Administration number, name of controlled substances, or facsimile of a signature;
- (17) Acquiring any controlled substance(s) from any pharmacy or other source by misrepresentation, fraud or deception;
- (18) Knowingly submitting to a third party any claim form, bill or statement which contains any misleading, deceptive, false, incomplete, or fraudulent representation asserting a fee which is greater than the fee the dentist agrees to accept as payment in full for any given dental appliance, procedure, or service;
- (19) Forgiving the co-payment provisions of any insurance policy, insurance contract, health prepayment contract, health care plan, or nonprofit health service plan contract by accepting the payment received from a third party as full payment, unless the dentist discloses to the third party that the patient's payment portion will not be collected;
- (20) Exercising influence on a patient in a manner to exploit the patient for the financial gain of the licensee or of a third party, including, but not limited to:
 - (a) The promotion of sale of services, goods, appliances, or drugs and the promoting or advertising on any prescription form of a community pharmacy unless the form also states: "This prescription may be filled at any pharmacy of your choice.";
 - (b) Paying or receiving any commission, bonus, kickback, or rebate; or
 - (c) Engaging in any split-fee arrangement in any form whatsoever with a dentist, organization, agency, or person, either directly or indirectly, for patients referred to providers of health care goods and services, including, but not limited to, dentistry, hospitals, nursing homes, physical therapists, clinical laboratories, ambulatory surgical centers, or pharmacies.

[The provisions of this Section shall not be construed to prevent a dentist from receiving a fee for professional consultation services];

- (21) Failing to provide radiation safeguards required by the Radiation Protection Section of the State Department of Environment, Health, and Natural Resources;
- (22) Having professional connection with or lending one's name to the unlawful practice of dentistry; and
- (23) Using the name of any deceased or retired and licensed dentist on any office door, directory, stationery, bill heading, or any other means of communication any time after one year following the death or retirement from practice of said dentist.

Authority G.S. 90-28; 90-41; 90-48.

.0102 DEFINITION: UNPROFESSIONAL CONDUCT BY A DENTAL HYGIENIST

Unprofessional conduct by a dental hygienist shall include, but not be limited to, the following:

- (1) Having a license to practice dental hygiene revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country; [For purposes of this Section, the surrender of a license under threat of disciplinary action shall be considered the same as if the licensee had been disciplined.]
- (2) Presenting false or misleading testimony, statements, or records to the Board or a Board employee during the scope of any investigation or at any hearing of the Board;
- (3) Making or filing a false report or record, failing to file a report or record required by state or federal law, knowingly impeding or obstructing the filing of a report or record or inducing another person to do so;
- (4) Committing any act which would constitute sexual battery, sexual misconduct or sexual harassment upon a patient or engaging in any other lewd, lascivious, or immoral conduct in connection with the provision of dental hygiene services;
- (5) Violating any provision of G.S. 90-229 or any administrative rule, violating a lawful order of the Board previously entered in a disciplinary hearing or failing to comply with a lawfully-issued subpoena of the Board;
- (6) Conspiring with any person to commit an act, or committing an act which would tend to coerce, intimidate, or preclude any patient or witness from testifying against a licensee in any disciplinary hearing, or retaliating in any manner against any person who testifies or cooperates with the Board during any investigation of any licensee;
- (7) Failing to allow properly authorized Board personnel, on demand, to examine and have

- access to original documents, reports or records that relate to dental treatment or dental-related activity;
- (8) Failing to identify to a patient, patient's guardian, or the Board the name of any person or agent who renders dental treatment or services;
 - (9) Upon request by the Board, failing to cooperate in a timely manner with a Board investigation;
 - (10) Physically abusing a patient;
 - (11) Performing professional services without first obtaining the informed consent of the patient or the patient's legal representative, except in the case of an emergency or other circumstances where the patient is incapable of providing consent;
 - (12) Procuring, dispensing, or administering any medicinal drug, including Schedule II, III or IV controlled substances, for personal use except those prescribed, dispensed, or administered by a practitioner authorized to prescribe them;
 - (13) Acquiring any controlled substance from any pharmacy or other source by misrepresentation, fraud or deception;
 - (14) Being unable to practice the profession with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical condition; [In enforcing this Section, the Board, upon a finding that probable cause

- exists to believe that the licensee is unable to practice dental hygiene because of the reasons stated in this Section, shall have the authority to issue an order to compel a licensee to submit to a mental or physical examination by physician(s) designated by the Board. If the licensee refuses to comply, the Board's order directing the examination may be enforced by filing a petition for enforcement in the Circuit Court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. A licensee affected under this Section shall at reasonable intervals be afforded an opportunity to demonstrate that he can resume the competent practice of his profession with reasonable skill and safety to patients.]
- (15) Failing to provide radiation safeguards required by the Radiation Protection Section of the State Department of Environment, Health, and Natural Resources; and
 - (16) Having professional connection with or lending one's name to the illegal practice of dental hygiene.

Authority G.S. 90-223; 90-229.

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

Rule-making Agency: *N.C. Medical Care Commission*

Rule Citation: *10 NCAC 3B .1001 and .1002*

Effective Date: *December 20, 1996*

Findings Reviewed by Beecher Gray: *Approved*

Authority for the rule-making: *G.S. 131E-256*

Reason for Proposed Action: *To adopt the permanent version of temporary rules 10 NCAC 3B .1001 and .1002 concerning the health care personnel registry pursuant to Senate Bill 855.*

Comment Procedures: *Written comments concerning these rules should be submitted to Jackie Sheppard, Rule-making Coordinator, P.O. Box 29530, Raleigh, NC 27626-0530. Telephone (919) 733-2342.*

CHAPTER 3 - FACILITY SERVICES

SUBCHAPTER 3B - PROCEDURAL RULES

SECTION .1000 - HEALTH CARE PERSONNEL REGISTRY

.1001 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish.
- (2) "Diversion of drugs" means the unauthorized taking or use of any drug.
- (3) "Drug" means any chemical compound that may be used on or administered to humans or animals as an aid in the diagnosis, treatment or prevention of disease or other condition or for the relief of pain or suffering or to control or improve any physiological pathologic condition.
- (4) "Finding" (when used in conjunction with the Health Care Personnel Registry) means a determination by the Department that an allegation of resident abuse or neglect, misappropriation of resident or health care facility property, diversion of drugs belonging to a resident or health care facility, and fraud against a resident or health care facility has been substantiated.

- (5) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person. It includes any act that constitutes fraud under applicable Federal or State Law.
- (6) "Health Care Facility" means all the facilities and agencies as defined in G.S. 131E-256(b).
- (7) "Health Care Personnel" means all the persons as defined in G.S. 131E-256(c).
- (8) "Misappropriation of resident property" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a resident's belongings or money without the resident's consent.
- (9) "Misappropriation of the property of a health care facility" means the deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a health care facility's property without the facility's consent.
- (10) "Neglect" means a failure to provide goods and services necessary to avoid physical harm, mental anguish or mental illness.
- (11) "Resident" means all the individuals residing in or being served by a health care facility as defined in G.S. 131E-256(b).

History Note: Authority G.S. 131E-256;
Temporary Adoption Eff. December 20, 1996.

.1002 INVESTIGATING AND REPORTING HEALTH CARE PERSONNEL

(a) The health care facility shall thoroughly investigate and document all allegations of resident abuse or neglect, misappropriation of resident or facility property, diversion of drugs belonging to a resident or facility, and fraud against a resident or facility, within five working days of the date the facility becomes aware of the alleged incident. The facility shall take whatever steps are necessary to prevent further acts of abuse, neglect, misappropriation of property, drug diversion, or fraud while the investigation is in progress.

(b) Upon completion of the investigation, the health care facility shall ensure that all allegations which appear to a reasonable person to be related to any act of resident abuse or neglect, misappropriation of resident or facility property, diversion of drugs belonging to a resident or facility, and fraud against a resident or facility are reported immediately to the Division of Facility Services. The report shall be printed or typed and mailed or faxed to the Division. The report shall include all information relevant to the investigation.

History Note: Authority G.S. 131E-256;
 Temporary Adoption Eff. December 20, 1996.

**TITLE 15A - ENVIRONMENT, HEALTH, AND
 NATURAL RESOURCES**

Rule-making Agency: *EHNR - Commission for Health Services*

Rule Citation: *15A NCAC 18A .1937, .1938*

Effective Date: *January 20, 1997*

Findings Reviewed by Beecher Gray: *Approved*

Authority for the rule-making: *G.S. 130A-335(e) and (f)*

Reason for Proposed Action: *The proposed Temporary Rules are necessary because of amendments to N.C.G.S. 130-333 et seq., Wastewater Systems, enacted by the Legislature during the Short Sessions of 1996, a copy of which is attached. The principal amendments are 1) the addition of an Improvement Permit that is valid for five (5) years [130A-335(f)], 2) definitions of a plat and a site plan [130A-334(7b) and (13a) respectively], 3) the redefinition of the period of validity for an authorization for wastewater system construction to be up to five (5) years [130A-336(b)], and 4) the addition of a subsection to allow for the withholding of funds to local health departments under certain conditions [130A-336(f)]. These rules were e-mailed to the local health departments on November 20, 1996. Upon approval by the Codifier of Rules, these rules will become effective January 20, 1997. An abbreviated notice will be given for these rules in the DEHNR rule-making agenda to be published in the January 2, 1997 issue of the NC Register. This agency will mail a copy of the adopted rules to all interested parties on or before January 8, 1997. These rules will also appear in the register on January 15, 1997.*

Comment Procedures: *Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register. Copies of the proposed rules may be obtained by contacting the On-Site Wastewater Section at (919) 733-2895. Written comments may be submitted to Bill Jeter, Division of Environmental Health, On-Site Wastewater Section, PO Box 29594, Raleigh, NC 27626-0594.*

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

**SECTION .1900 - SEWAGE TREATMENT AND
 DISPOSAL SYSTEMS**

.1937 PERMITS

(a) ~~An Improvement Permit Permit, Authorization for Wastewater System Construction (Construction Authorization) and Operation Permit, shall be required in accordance with G.S. 130A-336, 130A-336, G.S. 130A-337 and G.S. 130A-338. Rule .1949 of this Section shall be used to determine whether subsequent additions—~~or ~~modifications or additions, modifications, or change in the type of facility increase sewage flow, wastewater flow or alter wastewater characteristics.~~

~~(b) The local health department shall issue an Improvement Permit only after it has determined that the system is designed and can be installed so as to meet the provisions of these Rules. An Improvement Permit shall be valid for 60 months from the date of issue. If the installation has not been completed during that time period, the information submitted in the application for an Improvement Permit is falsified or changed, or the site is altered, the permit shall become invalid. When an Improvement Permit has become invalid, the installation shall not be commenced or completed until a new Improvement Permit has been obtained.~~

(b) An application for an Improvement Permit or Construction Authorization, as applicable, shall be submitted to the local health department for each site prior to the construction, location, or relocation of a residence, place of business, or place of public assembly. Applications for systems required to be designed by a professional engineer and applications for industrial process wastewater systems shall meet the provisions of Rule .1938 of this Section.

(1) The application for an Improvement Permit shall contain at least the following information: owner's name, mailing address, and phone number, location of property, plat of property or site plan, description of existing and proposed facilities or structures, number of bedrooms, or number of persons served, or other factors required to determine wastewater system design flow or wastewater characteristics, type of water supply, and signature of owner or owner's legal representative. The applicant shall be responsible for identifying in the field property lines and for making the site or sites accessible for an evaluation as required in Rule .1939 of this Section. The applicant shall be responsible for notifying the local health department on the application of the following:

- (A) the property contains jurisdictional wetlands;
- (B) wastewater other than sewage will be generated; or
- (C) the site is subject to approval by other public agencies.

(2) The application for a Construction Authorization shall contain the information required in Subparagraph (1) of this Paragraph and the proposed system type as specified by the owner or

owner's legal representative and that meets the conditions of the Improvement Permit, the provisions of these Rules, and G.S. 130A, Article 11.

~~(e) Application for an Improvement Permit shall be submitted to the local health department. The application shall contain at least the following information: name of owner, mailing address, location of property, plat of property (if not readily available to local health department), type of facility, estimated sewage flow based on number of bedrooms or number of persons served, type of water supply, and signature of owner or authorized agent. The applicant shall be responsible for notifying the local health department of any designated wetland.~~

(c) An authorized agent of DEHNR shall issue an Improvement Permit after determining that the site is suitable or provisionally suitable and that a system can be installed so as to meet the provisions of these Rules. The Improvement Permit shall include those items required in G.S. 130A-336(a). An Improvement Permit for which a plat is provided shall be valid without expiration and an Improvement Permit for which a site plan is provided shall be valid for 60 months from the date of issue as provided in G.S. 130A-335(f) and 336(a). The Improvement Permit is transferable to subsequent owners except as provided in G.S. 130A-335(f) and 336(a).

(d) The Construction Authorization as provided in G.S. 130A-335(f) and G.S. 130A-336(b) shall be valid for a period equal to the period of validity of the Improvement Permit, not to exceed 60 months. Site modifications required as conditions of an Improvement Permit shall be completed prior to the issuance of a Construction Authorization. The Construction Authorization shall be issued by an authorized agent for the installation of a wastewater system when it is found that the Improvement Permit conditions and rules in this Section are met. The Construction Authorization shall contain conditions regarding system type, system layout, location, and installation requirements. It shall be the responsibility of the property owner to ensure that a Construction Authorization is obtained and is valid prior to the construction or repair of a system and the construction, location, or relocation of a residence, place of business, or place of public assembly. If the installation has not been completed during the period of validity of the Construction Authorization, the information submitted in the application for a Permit or Construction Authorization is found to have been incorrect, falsified or changed, or the site is altered, the Permit or Construction Authorization shall become invalid and may be suspended or revoked. When a Permit or Construction Authorization has become invalid, suspended, or revoked, the installation shall not be commenced or completed until a new Permit or Construction Authorization has been obtained. Revised Construction Authorizations shall be issued for sites where Improvement Permits are valid without expiration in compliance with G.S. 130A-335(f1).

~~(e)(d) Prior to the issuance of Improvement Permit a Construction Authorization for a sanitary sewage wastewater system to serve a condominium or other multiple-ownership development where the system will be under common or joint control, a draft agreement (tri-party) among the local health department, developer, and a proposed non-profit, incorporated owners association shall be submitted to the local health department for approval. Prior to the issuance of an Operation Permit for a system requiring a tri-party agreement, the agreement shall be properly executed among the local health department, developer, and a non-profit, incorporated owners association and filed with the local register of deeds. The tri-party agreement shall address ownership transfer of ownership, maintenance, repairs, operation, and the necessary funds for the continued satisfactory performance of the sanitary sewage wastewater system, including collection, treatment, disposal, and other appurtenances.~~

~~(e) No residence, place of business, or place of public assembly shall be occupied nor shall any sanitary sewage system be covered or placed into use until the local health department finds that the system is in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions prescribed by the Improvement Permit, and issues a Certificate of Completion or an Operation Permit. At the review frequency specified in Rule .1961, Table V(a) of this Section, the local health department shall determine whether a system with an Operation Permit is operating properly and complies with the conditions of the Operation Permit. The local health department may suspend or revoke the Operation Permit if it is determined that the system is not operating properly or is not in compliance with Article 11 of G.S. Chapter 130A, these Rules, and all conditions imposed by the Operation Permit.~~

~~(f) Upon determining that an existing sanitary sewage system has a valid Operation Permit or a valid Certificate of Completion and is operating satisfactorily in a mobile home park, the local health department shall issue a written authorization for a mobile home to be connected to the existing system and to be occupied.~~

(f) No residence, place of business, or place of public assembly shall be occupied nor shall any wastewater system be covered or placed into use until an authorized agent finds that the system is in compliance with Article 11 of G.S. 130A, these Rules, and all conditions prescribed by the Improvement Permit, and Construction Authorization, and issues an Operation Permit. The Operation Permit shall specify the system type in accordance with Table V(a) of Rule .1961 of this Section. At the review frequency specified in Rule .1961, Table V(a) of this Section, an authorized agent shall determine whether a system with an Operation Permit is operated and maintained in compliance with the conditions of the Operation Permit, these Rules, and Article 11 of G.S. 130A. An authorized agent may suspend or revoke the Operation Permit or seek other remedies under Article 2, 130A if it is determined that the system is not being operated or maintained properly or is

not in compliance with Article 11 of G.S. 130A, these Rules, and all conditions imposed by the Operation Permit.

(g) Upon determining that an existing wastewater system in a manufactured home park has a valid Operation Permit and is in compliance with Article 11 of G.S. 130A, these Rules, and permit conditions, the local health department shall issue a written authorization for a manufactured home to be connected to the existing system.

(h)(g) Any person other than the owner or controller of a residence, place of business, or place of public assembly, who engages in the business of constructing, installing, or repairing wastewater sanitary-sewage systems shall register with the local health department in each county where he operates before constructing, installing, or repairing wastewater sanitary-sewage systems.

(h) Systems which exceed 3,000 gallons per day and other systems which are required to be designed by a professional engineer shall be reinspected annually.

(i) The local health department An authorized agent shall prepare a written report with reference to the site and soil conditions required to be evaluated pursuant to this Section. When a permit is denied, the report shall be provided to the applicant. If modifications or alternatives are available, information shall be provided to the applicant. The report shall be signed and dated by the local (authorized) sanitarian- an authorized agent of the State.

(j) A plat or site plan shall not be required for the application for a Construction Authorization to repair a previously permitted system when the repairs will be accomplished on property owned and controlled by the applicant and for which the property lines are readily identifiable in the field.

History Note: Authority G.S. 130A-335(e) and (f); Eff. July 1, 1982; Amended Eff. August 1, 1991; January 1, 1990; January 1, 1984; Temporary Amendment Eff. January 20, 1997.

.1938 RESPONSIBILITIES

(a) The design, construction, operation, and maintenance of sewage treatment and disposal systems, whether septic tank systems, privies or alternative systems, shall be the responsibility of the designer, owner, developer, installer, or user of the system as applicable.

(b) Actions of representatives of local health departments or the State engaged in the evaluation and determination of measures required to effect compliance with the provisions of this Section shall in no way be taken as a guarantee or warranty that sewage treatment and disposal systems approved and permitted will function in a satisfactory manner for any given period of time. Due to the development of clogging mats which adversely impact the life expectancy of normally functioning ground absorption sewage treatment and disposal systems and variables influencing system function which are beyond the scope of these Rules, no guarantee or warranty is implied or given

that a sewage treatment and disposal system will function in a satisfactory manner for any specific period of time.

(c) Prior to the issuance of an Improvement Permit or Construction Authorization, plans and specifications prepared by a person with a demonstrated knowledge of sanitary sewage collection, treatment, and disposal systems, soil and rock characteristics, ground-water hydrology, and drainage systems may be required for review and approval by the local health department when there is an unsuitable soil or unsuitable characteristic and shall be required for:

- (1) alternative systems not specifically described in this Section, and
- (2) drainage systems serving two or more lots.

(d) Any ~~sanitary-sewage~~ wastewater system which meets one or more of the following conditions shall be designed by a registered professional engineer:

- (1) The system is designed to handle over 3,000 gallons per day, as determined in Rule .1949(a) or (b) of this Section, except where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual dwelling unit.
- (2) The system requires pretreatment, other than by a conventional septic tank, before disposal.
- (3) The system requires use of sewage pumps prior to the septic tank or other pretreatment system, except for systems subject to the North Carolina Plumbing Code.
- (4) The system requires use of more than one pump or siphon.
- (5) The system includes a collection sewer, prior to the septic tank or other pretreatment system, which serves two or more buildings, except for systems subject to the North Carolina Plumbing Code.
- (6) The system includes structures which have not been pre-engineered.
- (7) Any other system serving a business or multi-family dwelling so specified by the local health department.

(e) An improvement permit shall not be issued unless the plans and specifications, including methods of operation and maintenance, are approved. The state shall review and approve An improvement permit shall not be issued unless the site plan or plat and system layout, including details for any proposed site modifications, are approved. A Construction Authorization shall not be issued unless plans and specifications, including methods of operation and maintenance, are approved. The State shall review and approve the system layout on a site plan or plat, plans and specifications for all systems serving a design unit with a design flow greater than 3,000 gallons per day, as determined in Rule .1949 (a) or (b) of this Section, except where the system is limited to an individual septic tank system serving an individual dwelling unit or several individual septic tank systems, each serving an individual

dwelling unit. The state shall also review and approve any other system so specified by the local health department. Prior to issuance of the operation permit for a system designed by a registered professional engineer, the owner shall submit to the local health department a statement signed by a registered professional engineer stating that construction is complete and in accordance with approved plans and specifications and approved modifications. Periodic observations of construction and a final inspection for design compliance by the certifying registered professional engineer or his representative shall be required for this statement. The statement shall be affixed with the registered professional engineer's seal.

(f) Plans and specifications required to be prepared by a registered professional engineer shall contain all necessary information for construction of the system in accordance with applicable rules and laws and shall include at least one or more of the following, as determined to be applicable by the local health department or the State:

- (1) the engineer's seal, signature, and the date on all plans and the first sheet of specifications;
- (2) a description of the facilities served and the calculations and basis for the design flow proposed;
- (3) a site plan based on a surveyed plat showing all system components, public water supply sources within 500 feet, private water supplies and surface water supplies within 200 feet, water lines serving the project and within ten feet of all components, building foundations, basements, property lines, embankments or cuts of two feet or more in vertical height, swimming pools, storm sewers, interceptor drains, surface drainage ditches, and adjacent nitrification fields;
- (4) specifications describing all materials to be used, methods of construction, means for assuring the quality and integrity of the finished product, and operation and maintenance procedures addressing requirements for the system operator, inspection schedules, residuals management provisions, process and performance monitoring schedules, and provisions for maintaining mechanical components and nitrification field vegetative cover;
- (5) plan and profile drawings for collection sewers, force mains and supply lines, showing pipe diameter, depth of cover, cleanout and manhole locations, invert and ground surface elevations, valves and other appurtenances, lateral connections, proximity to utilities and pertinent features such as wells, water lines, storm drains, surface waters, structures, roads, and other trafficked areas;

- (6) plans for all tanks, showing capacity, invert and ground elevations, access manholes, inlet and outlet details, and plans for built-in-place or nonstate-approved, precast tanks, also showing dimensions, reinforcement details, liquid depth, and other pertinent construction features;
- (7) calculations for pump or siphon sizing, pump curves, and plan and profile drawings for lift stations and effluent dosing tanks, showing anti-buoyancy provisions, pump or siphon locations, discharge piping, valves, vents, pump controls, pump removal system, electrical connection details, and activation levels for pumps or siphons and high-water alarms;
- (8) plan and profile drawings for wastewater treatment plants and other pretreatment systems, including cross-section views of all relevant system components, and data and contact lists from comparable facilities for any non-standard systems;
- (9) plans for nitrification field and repair area, showing the following:
 - (A) field locations with existing and final relative contour lines based on field measurements at intervals not exceeding two feet or spot elevations if field areas are essentially flat or of uniform grade;
 - (B) field layout, pipe sizes, length, spacing, connection and clean out details, invert elevations of flow distribution devices and laterals, valves, and appurtenances;
 - (C) trench plan and profile drawings and flow distribution device details;
 - (D) location and design of associated surface and groundwater drainage systems; and
- (10) any other information required by the local health department or the State.

(g) The entire ~~sanitary~~ wastewater sewerage system shall be on property owned or controlled by the person owning or controlling the system. Necessary easements shall be obtained permitting the use and unlimited access for inspection and maintenance of all portions of the system to which the owner and operator do not hold undisputed title. Easements shall remain valid as long as the system is required and shall be recorded with the county register of deeds.

History Note: Authority G.S. 130A-335(e) and (f); Eff. July 1, 1982; Amended Eff. January 1, 1990; April 1, 1985. Temporary Amendment Eff. January 20, 1997.

Rule-making Agency: EHNR - Commission for Health Services

Rule Citation: 15A NCAC 18A .1958, .1961

Effective Date: January 20, 1997

Findings Reviewed by Beecher Gray: Approved

Authority for the rule-making: G.S. 130A-335(e) and (f)

Reason for Proposed Action: The wrath of Hurricane Fran revealed a need to allow: 1) the use of holding tanks as a component of a system while repairs are affected [Rule .1958(b) and .1961(d)] and, 2) the proper abandonment of systems that are not repairable [Rule .1961(c)].

Comment Procedures: Comments, statements, data and other information may be submitted in writing within 60 days after the date of publication of this issue of the North Carolina Register. Copies of the proposed rules may be obtained by contacting the On-Site Wastewater Section at (919) 733-2895. Written comments may be submitted to Bill Jeter, Division of Environmental Health, On-Site Wastewater Section, PO Box 29594, Raleigh, NC 27626-0594.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

.1958 NON-GROUND ABSORPTION SEWAGE TREATMENT SYSTEMS

(a) Where an approved privy, an approved septic tank system, or a connection to an approved public or community sewage system is impossible or impractical, this Section shall not prohibit the state or local health department from permitting approved non-ground absorption treatment systems utilizing heat or other approved means for reducing the toilet contents to an inert or stabilized residue or to an otherwise harmless condition, rendering such contents noninfectious or noncontaminating. Alternative systems shall be designed to comply with the purposes and intent of this Section.

(b) Holding tanks shall not be considered as an acceptable sewage treatment and disposal system. An improvement permit shall not be issued for a sewage holding tank. ~~tank for any new construction.~~ However, An Authorization to Construct may be issued for a holding tank for pumping and hauling of wastewater to a wastewater system approved under this Section when the owner has provided a showing that a malfunctioning system cannot otherwise be repaired by connection to a system approved under this Section or to a system approved under the rules of the Environmental Management Commission.

(c) Incinerating, composting, vault privies, and mechanical toilets shall be approved by the state agency or local health department only when all of the sewage will receive adequate treatment and disposal.

(d) Sewage recycling systems which discharge treated waste-water meeting the state drinking water standards may be used only for toilet flushing and recycled sewage shall not be used for body contact or human consumption. Such systems must be specifically approved by the state or local health department.

(e) Chemical or portable toilets for human waste may be used at mass gatherings, construction sites, and labor work camps. Chemical or portable toilets proposed for use at a labor work camp shall have an operation permit from the local health department upon a showing by the owner or controller that the chemical or portable toilet shall be maintained in a sanitary condition. Chemical or portable toilets shall have a watertight waste receptacle constructed of nonabsorbent, acid resistant, noncorrosive material. The chemical or portable toilet waste collected shall be discharged into an approved sewage treatment and disposal system.

History Note: Authority G.S. 130A-335(e) and (f);
Eff. July 1, 1982;
Amended Eff. August 1, 1991; January 1, 1990;
Temporary Amendment Eff. January 20, 1997.

.1961 MAINTENANCE OF SEWAGE SYSTEMS

(a) Any person owning or controlling the property upon which a ground absorption sewage treatment and disposal system

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is installed shall be responsible for the following items regarding the maintenance of the system:

- (1) Ground absorption sewage treatment and disposal systems shall be maintained at all times to prevent seepage or discharge of sewage or effluent to the surface of the ground or to surface waters.
 - (2) Ground absorption sewage treatment and disposal systems shall be checked, and the contents of the septic tank removed, periodically to ensure proper operation of the system.
- (b) System management in accordance with Tables V(a) and V(b) of this Rule shall be required for all systems installed or repaired after July 1, 1992. After July 1, 1992, system management in accordance with Tables V(a) and V(b) shall be required for all existing Type V and Type VI systems.
- (1) After July 1, 1992, no Improvement Permit or Construction Authorization shall be issued for Type IV, Type V, or Type VI systems, unless a management entity of the type specified in Table V(b) is specifically authorized, funded, and operational to carry out this management program in the service area where the proposed system is to be located.
 - (2) A local health department may be a public management entity for systems classified Type IV, V(a) and V(b) only when specifically authorized by resolution of the local board of health.
 - (3) A contract shall be executed between the system owner and a management entity prior to the issuance of an Operation Permit for a system required to be maintained by a public or private management entity. The contract shall include the specific requirements for maintenance and operation, responsibilities of the owner and system operator, provisions that the contract shall be in effect for as long as the system is in use, and other requirements for the continued proper performance of the system. It shall also be a condition of the Operation Permit that subsequent owners of the system execute such a contract.
 - (4) Inspections of the system shall be performed by a management entity at the frequency specified in Table V(b). The management entity shall report the results of their inspections to the local health department at the specified reporting frequency. However, where inspections indicate the need for system repairs, the management entity shall notify the local health department within 48 hours in order to obtain ~~an Improvement Permit~~ a Construction Authorization for the repairs.
 - (5) The management entity shall be responsible for assuring routine maintenance procedures in accordance with the conditions of the Operation Permit and the contract.
 - (6) Sewage systems with multiple components shall be classified by their highest or most complex system type in accordance with Table V to determine local health department and management entity responsibilities.
 - (7) Sewage systems not identified in this Rule shall be classified by the Division of Environmental Health after consultation with the appropriate commission governing operators of pollution control facilities.
 - (8) The local health department shall routinely review the performance and operation reports submitted in accordance with Table V(b) of this Rule and shall perform an on-site inspection of the systems as required in Table V(a).
 - (9) Nothing in this Section shall preclude any requirements for system operators imposed in accordance with Article 3 of G.S. 90A.

TABLE V(a)

LOCAL HEALTH DEPARTMENT RESPONSIBILITIES

<u>System Classification</u>	<u>System Description</u>	<u>Permits Required</u>	<u>Minimum System Review Frequency</u>
Type I	a. Privy b. Chemical toilet c. Incinerating toilet d. Other toilet system e. Grease trap	Improvement Permit <u>Permit, Construction Authorization,</u> and Operation Permit	N/A
Type II	a. Conventional septic system (single-family or 480 GPD or less) b. Conventional septic system with 750 linear feet of	Improvement Permit <u>Permit, Construction Authorization,</u> and Certificate of Operation Permit Completion	N/A

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- nitrification line or less
- c. Conventional system with shallow placement

Type III	<ul style="list-style-type: none"> a. Conventional septic system > 480 GPD (excluding single-family residence) b. Septic system with single effluent pump or siphon c. Gravity fill system d. Dual gravity field system e. PPBPS system, gravity dosed f. Large diameter pipe system g. Other non-conventional trench systems 	<p>Improvement Permit <u>Permit, Construction Authorization,</u> and Operation Permit</p>	5 yrs. (IIIb only)
Type IV	<ul style="list-style-type: none"> a. Any system with LPP distribution b. System with more than 1 pump or siphon 	<p>Improvement Permit <u>Permit, Construction Authorization,</u> and Operation Permit</p>	3 yrs.
Type V	<ul style="list-style-type: none"> a. Sand filter pretreatment system b. Any > 3,000-GPD septic tank system with a nitrification field designed for > 1500 GPD c. Aerobic Treatment Unit (ATU) d. Other mechanical, biological, or chemical pretreatment plant (< 3000 GPD) 	<p>Improvement Permit <u>Permit, Construction Authorization,</u> and Operation Permit</p>	12 mos.
Type VI	<ul style="list-style-type: none"> a. Any > 3,000 GPD system with mechanical, biological, or chemical pretreatment system plant b. Wastewater reuse/recycle 	<p>Improvement Permit <u>Permit, Construction Authorization,</u> and Operation Permit</p>	6 mos.

TABLE V(b)

MANAGEMENT ENTITY RESPONSIBILITIES

<u>System Classification</u>	<u>Management Entity</u>	<u>Minimum System Inspection/Maintenance Frequency</u>	<u>Reporting Frequency</u>
Type I	Owner	N/A	N/A
Type II	Owner	N/A	N/A
Type III	Owner	N/A	N/A
Type IV	Public Management Entity With a Certified Operator or a	2/yr.	12 mos.

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Private Certified Operator

Type V (a) & (b)	Public Management Entity With a Certified Operator or a Private Certified Operator	a. 2/yr (0-1500 GPD) 4/yr (1500-3000 GPD) 12/yr (3000-10000 GPD) 1/wk (> 10000 GPD) b. 12/yr (3000-10000 GPD) 1/wk (> 10000 GPD)	6 mos.
(c) & (d)	Public Management Entity With Certified Operator	c. 4/yr. d. 12/yr.	
Type VI	Public Management Entity With a Certified Operator	a. 1/wk(3000-10000 GPD) 2/wk(10000-25000 GPD) 3/wk(25000-50000 GPD) 5/wk(> 75000 GPD) b. 12/yr.	3 mos.

(c) A sewage collection, treatment, and disposal system that creates or has created a public health hazard or nuisance by surfacing of effluent or discharge directly into ground water or surface waters, or that is partially or totally destroyed shall be repaired within 30 days of notification by the state or local health department unless the notification otherwise specifies a repair period in writing. If a system described in the preceding sentence has for any reason been disconnected, the system shall be repaired prior to reuse. The state or local health department shall use its best professional judgement in requiring repairs that will reasonably enable the system to function properly. If, for any reason, a sewage collection, treatment, and disposal system is found to be nonrepairable, the system shall not be ~~used~~ used, and may be required to be abandoned as directed by the authorized agent to protect the public health and safety.

(d) When necessary to protect the public health, the state or local health department may require the owner or controller of a malfunctioning system to pump and haul sewage to an approved ~~sanitary sewage~~ wastewater system during the time needed to repair the system.

*History Note: Filed as a Temporary Amendment Eff. July 3, 1991, for a Period of 180 Days to Expire on December 30, 1991;
Filed as a Temporary Amendment Eff. June 30, 1990, for a Period of 180 Days to Expire on December 27, 1990;
Authority G.S. 130A-335(e) and (f);
Eff. July 1, 1982;
Amended Eff. August 1, 1991; October 1, 1990; January 1, 1990; August 1, 1988;
Temporary Amendment Eff. January 20, 1997.*

APPROVED RULES

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of December 19, 1996 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

These rules unless otherwise noted, will become effective on the 31st legislative day of the 1997 Regular Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.

APPROVED RULE CITATION		REGISTER CITATION TO THE NOTICE OF TEXT	
2	NCAC 09C .0701 - .0702	11:06	NCR 324
	.0704	11:06	NCR 324
	48A .1103*	11:06	NCR 326
	.1110*	11:06	NCR 326
	48B .0112	11:06	NCR 327
	.0114	11:06	NCR 327
	.0119	11:06	NCR 327
	.0120*	11:06	NCR 327
	52B .0201	11:06	NCR 327
7	NCAC 05 .0202 - .0204	11:04	NCR 188
	.0207	11:04	NCR 188
10	NCAC 20B .0204 - .0205*	11:13	NCR 1051
	.0206	11:13	NCR 1052
	.0208 - .0210	11:13	NCR 1052
	.0214	11:13	NCR 1052
	.0218*	11:13	NCR 1053
	.0222*	11:13	NCR 1053
	.0224	11:13	NCR 1053
	.0226 - .0227	11:13	NCR 1054
	20C .0603	11:13	NCR 1054
	20D .0204*	11:13	NCR 1055
	26H .0602	11:13	NCR 1061
	41P .0102*	11:12	NCR 960
	.0105*	11:12	NCR 961
	.0113*	11:12	NCR 967
	42A .0703*	11:10	NCR 824
	42C .2011 - .2012*	11:12	NCR 968
	42D .1410 - .1411*	11:12	NCR 971
15A	NCAC 02B .0229*	11:09	NCR 572
	.0237*	11:09	NCR 572
	03I .0101*	11:11	NCR 888
	.0105*	11:11	NCR 891
	03L .0201*	11:11	NCR 892
	03M .0202	11:11	NCR 938
	.0503	11:11	NCR 892
	.0504*	11:11	NCR 938
	.0506	11:11	NCR 894
	.0511*	11:11	NCR 939
	03R .0106 - .0107	11:11	NCR 895
	06E .0102 - .0103	11:12	NCR 979

	07H	.0104*	11:07	NCR	409
		.0304*	11:07	NCR	411
	10B	.0113*	11:12	NCR	983
		.0115	11:12	NCR	983
	12B	.1206*	11:12	NCR	985
	18A	.0136 - .0137	11:12	NCR	988
		.0159	11:12	NCR	989
		.0169	11:12	NCR	989
		.0173*	11:12	NCR	989
		.0174 - .0175	11:12	NCR	990
		.0184	11:12	NCR	992
		.0186	11:12	NCR	992
		.0302*	11:12	NCR	994
		.0401	11:12	NCR	994
		.0424 - .0425	11:12	NCR	995
		.0615 - .0616	11:12	NCR	995
		.0617*	11:12	NCR	995
		.0620	11:12	NCR	996
		.1302	11:12	NCR	998
		.1805	11:09	NCR	576
16	NCAC	07 .0101 - .0103*	11:09	NCR	576
21	NCAC	58A .0101	11:03	NCR	114
		.0104*	11:11	NCR	935
		.0105	11:03	NCR	114
		.0109 - .0110	11:03	NCR	114
		.0503 - .0504	11:03	NCR	114
		.1601	11:03	NCR	114
		60 .0314*	11:10	NCR	840
26	NCAC	02C .0102	11:13	NCR	1058
		.0103*	11:13	NCR	1058
		.0111	11:13	NCR	1058
		.0307*	11:13	NCR	1058
		.0401*	11:13	NCR	1058
		.0502*	11:13	NCR	1058

TITLE 2 - DEPARTMENT OF AGRICULTURE

CHAPTER 48 - PLANT INDUSTRY

SUBCHAPTER 48A - PLANT PROTECTION

SECTION .1100 - TOBACCO PLANT CERTIFICATION

.1103 UNLAWFUL USE OR DISTRIBUTION OF PLANTS

(a) No person, firm, company, partnership or corporation (hereinafter "person") shall pack, transport, sell or offer for sale, ship or bring into or plant in this state any tobacco plants produced out of state unless such plants are certified tobacco plants and are imported under the tobacco plant import permit.

(b) Only certified tobacco plants shall be sold or offered for sale in North Carolina, except that a person may ~~make no more than three sales sell or donations donate or a combination thereof of~~ uncertified tobacco plants produced

in North Carolina to residents of this state ~~in a single calendar year.~~ provided the planting location is within 75 miles from where the plants were produced.

(c) A North Carolina resident, including any firm, company, partnership or corporation having its principal place of business in this state, engaged in the production of tobacco on land located both in North Carolina and a contiguous state, may apply to the Plant Pest Administrator for an exemption from the certification and importation requirements of this Section. Exemptions may be granted if each of the following conditions exist:

- (1) the land is used for tobacco production;
- (2) the land lies both in this state and a contiguous state; and
- (3) the land does not extend more than 30 miles from the North Carolina border.

History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420;

Eff. April 1, 1985;

Amended Eff. March 2, 1997; October 1, 1989.

.1110 STANDARDS

- (a) All tobacco plants shall meet the requirements of all applicable state and federal plant pest quarantines.
- (b) All certified tobacco plants offered for sale or imported under permit into North Carolina shall meet the following requirements:
 - (1) The soil in the beds in which the plants are to be grown shall be fumigated under plastic cover with methyl bromide (minimum 60 percent in formulation at the rate indicated on the label for tobacco transplant beds).
 - (2) All plants shall be field inspected a maximum of five days prior to their being offered for sale in North Carolina.
 - (3) All plants shall be found apparently free from all injurious plant pests including but not limited to insects, diseases and nematodes.
 - (4) ~~Special emphasis shall be made to ensure that the~~ All plants ~~are~~ shall be apparently free of blue mold, target spot, black shank, Granville wilt, Fusarium wilt, virus diseases and root knot nematodes.
 - (5) To aid in ensuring apparent freedom from injurious plant pests, the grower shall make full use of all compatible and approved pest control practices during the growing of the transplants.

History Note: Authority G.S. 106-65.45; 106-65.46; 106-284.18; 106-420; Eff. April 1, 1985; Amended Eff. March 2, 1997; June 1, 1991.

SUBCHAPTER 48B - FERTILIZER

SECTION .0100 - FERTILIZER STANDARDS

.0120 REFUSAL OF REGISTRATION

Registration is refused on fertilizer products when the Commissioner finds that the product will not supply deficient needs of a plant when used according to directions.

History Note: Authority G.S. 106-673; Eff. January 1, 1985; Amended Eff. March 2, 1997.

TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

CHAPTER 20 - VOCATIONAL REHABILITATION

SUBCHAPTER 20B - PROCEDURE

SECTION .0200 - CONTESTED CASES: ADMINISTRATIVE REVIEWS: APPEALS HEARINGS

.0204 DIVISION ACTIONS IN RESPONSE TO REQUEST

- (a) Upon receipt of a request for an appeals hearing, the regional director shall immediately forward the original request to the Division's ~~deputy director~~ Chief of Operations for appointment of a hearing officer to conduct the appeals hearing.
- (b) If the individual has requested an administrative review in addition to an appeals hearing, the regional director shall:
 - (1) make a decision to conduct the administrative review or appoint a designee to conduct the administrative review who:
 - (A) has had no previous involvement in the issues currently in controversy;
 - (B) can conduct the administrative review in an unbiased way; and
 - (C) has a broad working knowledge of the Division's rules, Federal regulations governing the program, policies and procedures and the State Plan for Vocational Rehabilitation Services or Independent Living Services (as appropriate); and (state plan); and
 - (2) proceed with, or direct the designee to proceed with an administrative review according to the provisions of Rules .0205, .0208, and .0209 of this Section.

(c) The regional director shall send the applicant or client written acknowledgment of receipt of the request and inform the individual that additional information will be sent regarding the administrative review ~~and/or appeals hearing~~ and appeals hearing or only the appeals hearing.

(d) The regional director shall provide the Client Assistance Program with a copy of the request and the response to the request.

History Note: Authority G.S. 143-545A; 150B-1; 34 C.F.R. 361.48; Eff. February 1, 1976; Amended Eff. April 1, 1997; September 1, 1989.

.0205 SCHEDULING AND NOTICE OF ADMINISTRATIVE REVIEW

- (a) If an administrative review is to be conducted, the regional director or designee shall:
 - (1) set a date, time and place for the administrative review;
 - (2) send written notification by certified mail to the applicant or client and the individual's parent, guardian or representative, as appropriate, of the date, time and place for the administrative review;
 - (3) advise the applicant or client in the written notice that a hearing officer will be appointed by the ~~deputy director~~ Division to conduct a hearing if the matter is not resolved in the administrative review and that the applicant or client will also

receive a written notice from the hearing officer regarding the formal appeals hearing which will be held after the administrative review; and

- (4) notify the Director of the Client Assistance Program (CAP) and other individuals to be involved in the administrative review of the request and the date, time and place for the administrative review. This notification may be by phone or in writing.

(b) Prior to the administrative review, the regional director or designee shall review all previous decisions and casework related to the applicant or client and seek whatever consultation, explanation, documentation, or other information that is deemed necessary, utilizing the division's CAP Director as appropriate.

History Note: Authority G.S. 143-545A; 150B-1; 34 C.F.R. 361.48; Eff. February 1, 1976; Amended Eff. April 1, 1997; September 1, 1989.

.0218 DISQUALIFICATION OF HEARING OFFICER

(a) If at any time the hearing officer believes he or she cannot conduct the appeals hearing in a fair and impartial manner, the hearing officer shall submit to the ~~deputy director~~ Division staff member who appointed the hearing officer a written statement indicating why he or she should be disqualified from the case. Submission of the statement shall disqualify the hearing officer. The ~~deputy director~~ Division staff member who appointed the hearing officer shall inform all parties of the disqualification and the reasons therefor.

(b) If a party to the case believes that the hearing officer of record cannot conduct the hearing in a fair and impartial manner, the party shall submit an affidavit to the hearing officer for consideration. The hearing officer shall determine the matter as part of the record in the case. ~~case, and this determination shall be subject to judicial review at the conclusion of the proceeding.~~

(c) When a hearing officer is disqualified or it is impracticable for the hearing officer to proceed with the hearing, another hearing officer shall be assigned by the ~~deputy director~~ Division staff member who appointed the hearing officer to proceed with the case. However, if it is shown to the ~~deputy director~~ Division staff member who appointed the hearing officer or the newly assigned hearing officer that substantial prejudice to any party will result from continuation of the case then either:

- (1) the case shall be dismissed without prejudice; or
- (2) all or part of the case shall be repeated as necessary to substantially prevent or substantially remove the prejudice. The ~~deputy director~~ Division staff member who appointed the hearing officer shall promptly inform all parties of the decision to assign a new hearing officer, that the case has been dismissed without prejudice, or that

all or part of the case is to be repeated. Such notification shall include a statement of the reasons for the decision.

History Note: Authority G.S. 143-545A; 150B-1; 34 C.F.R. 361.48; Eff. September 1, 1989; Amended Eff. April 1, 1997.

.0222 FAILURE TO APPEAR

(a) If the applicant or client fails to appear at the hearing and does not have a representative present, the hearing officer shall cancel the hearing.

(b) The applicant or client may submit a written request for rescheduling of the hearing to the ~~deputy director~~ Division staff member who appointed the hearing officer. The request shall provide an explanation of the individual's failure to appear at the hearing or to have a representative present. The ~~deputy director~~ Division staff member who appointed the hearing officer may instruct the hearing officer to reschedule the hearing upon a showing of good cause by the applicant or client. "Good cause" may include death or incapacitating illness of the party or an immediate family member of the party, the party's representative, or the party's attorney; involvement in an accident that prevents timely notification of the hearing officer; or failure to receive proper notice of the hearing.

History Note: Authority G.S. 143-545A; 150B-1; 34 C.F.R. 361.48; Eff. September 1, 1989; Amended Eff. April 1, 1997.

SUBCHAPTER 20D - STANDARDS FOR FACILITIES AND PROVIDERS

SECTION .0200 - STANDARDS FOR FACILITIES

.0204 COMMUNITY REHABILITATION PROGRAM STANDARDS

(a) ~~The Division of Vocational Rehabilitation Services presently utilizes those community sheltered workshops and rehabilitation facilities which have been developed through cooperative working relationships with the Division and have demonstrated an ability through agency reviews to provide a comprehensive range of quality rehabilitation services. In addition to the aforementioned conditions of developing and maintaining cooperative working relationships, the Division will require that by January 1, 1982, all community sheltered workshops and rehabilitation facilities providing services to clients of the Division to be accredited by the Commission on Accreditation of Rehabilitation Facilities (CARE).~~

(b) ~~Community sheltered workshops and rehabilitation facilities established after January 1, 1980 for the purpose of providing services to clients of the Division must apply~~

~~for and receive accreditation from the Commission on Accreditation of Rehabilitation Facilities (CARF) no later than the end of the fourth year of operation. The establishment date for purposes of this Rule will be established in writing to the community sheltered workshop or rehabilitation facility by the Director of the Division of Vocational Rehabilitation Services.~~

~~(e) As of January 1, 1982, except for those exceptions noted in .0207(b) of this Rule, a community workshop or rehabilitation facility must be accredited by the Commission on Accreditation of Rehabilitation Facilities in order to provide services to clients of the Division.~~

(a) The Division shall utilize only those community rehabilitation programs that are accredited according to the provisions of this Rule.

(b) The following definitions apply to the terms as used in this Rule:

(1) "Fee for service funding" means an hourly rate, fee for service method of funding in which an hourly cost of providing the service is identified and the program is reimbursed based on the number of hours of actual services provided.

(2) "Fixed-level annual reimbursement process" means a funding method in which the Division reimburses the program for expenditures monthly at a rate of one-twelfth of a negotiated annual budget.

(c) Community rehabilitation programs that apply for a fixed-level annual reimbursement process shall be accredited by the Rehabilitation Accreditation Commission (CARF), the Accreditation Council, or the International Center for Clubhouse Development.

(d) Community rehabilitation programs providing evaluation, adjustment, or supported employment services which are not accredited by any of the accreditation bodies specified in Paragraph (c) of this Rule may apply for fee for service funding if they are certified under the process established by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

(e) Any program accredited by one of the specified accrediting bodies or certified under the process established by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall submit to the Division a copy of its accreditation or certification report within 30 days after the program receives its report each time it is surveyed. The program shall notify the Division of any action taken that affects its accreditation or certification status, either temporarily or permanently. The Division may conduct annual validation surveys to assure compliance.

History Note: Authority G.S. 143-545A; 34 C.F.R. 361.45;

Eff. February 1, 1976;

Amended Eff. July 1, 1997; October 20, 1979.

CHAPTER 41 - CHILDREN'S SERVICES

SUBCHAPTER 41P - CHILD-PLACING AGENCIES: ADOPTION

SECTION .0100 - APPLICABILITY

.0102 ORGANIZATION AND ADMINISTRATION

(a) Persons licensed or seeking license to provide adoption services shall comply with administrative and organizational requirements of 10 NCAC 41N, Chapter 48 of the General Statutes of North Carolina, and G.S. 110-57.1 et seq.

~~(b) Persons licensed or seeking license to provide adoption services shall meet staffing regulations set forth in 10 NCAC 41O, except that the executive director employed after the effective date of these regulations shall have a masters degree in social work or related area of study from an accredited school, and at least four years of experience in a child placement agency, at least two of which must have been in administration.~~

(b) ~~(e)~~ The caseload of social workers providing adoption services ~~must~~ shall be limited to allow for the required contacts with biological parents and families, children, adoptive families and collateral parties. A case is defined as any of the following:

- (1) an expectant parent or parents receiving problem pregnancy services from the agency prior to the child's birth and ~~release~~ relinquishment for adoption;
- (2) biological parents receiving services from the agency following ~~release~~ relinquishment of the child to the agency for adoption;
- (3) a child or sibling group to be placed together referred to the agency for adoptive placement from another licensed or authorized child-placing agency and for whom an adoption home is being sought and considered;
- (4) a child, or siblings, together with biological parents for as long as the legal parent and child relationship exists;
- (5) a child, or siblings for whom the goals for adoption are the same, following release ~~relinquishment~~ for adoption;
- (6) a single person or married couple applying for or licensed to provide foster care for children released for adoption to the agency;
- (7) a single person or married couple applying for or approved for adoptive placement of a child or children;
- (8) a child or sibling group and adoptive parents after placement occurs; and
- (9) biological parents, or adoptive parents and adopted child, or adult adoptee following entry of the ~~final order for adoption~~ decree of adoption.

History Note: Authority G.S. 48-3-204; 131D-10.3; 131D-10.5; 143B-153;

Eff. February 1, 1986;

Amended Eff. June 1, 1990;
Temporary Amendment Eff. July 1, 1996;
Recodified from 10 NCAC 41P .0002 Eff. December 6, 1996;
Amended Eff. April 1, 1997.

.0105 PLACEMENT SERVICES TO FAMILIES AND CHILDREN

(a) Persons licensed or seeking license to provide adoption services shall comply with regulations set forth in 10 NCAC 41O .0202 - .0205.

(b) Additionally, those persons providing as part of their adoption services program problem pregnancy services shall:

- (1) respect the client's prerogative for choice of alternatives to the problem pregnancy;
- (2) assure the clients of confidential handling of and restricted access to the case record;
- (3) offer alternate plans of care for the child and give supportive services or make appropriate referrals to other resources, should the client elect to keep the child in the family instead of releasing the child for adoption; and
- (4) assist the client in obtaining maternity home care during her pregnancy, if desired and appropriate.

(c) The agency shall help those parents reaching the decision to ~~release~~ relinquish their children to the agency for adoptive placement to have a thorough understanding of the meaning of adoption and its potential impact on the child's and their lives. The agency may notify the parent when a placement has occurred and when an adoption decree is issued.

(d) At the point a parent executes the ~~written release, surrender, and general consent to adopt,~~ relinquishment for adoption, the agency shall ascertain that the parent has a thorough understanding of the effects of this action and of the time period allowed for revocation of the ~~release, surrender, and general consent to adoption,~~ relinquishment for adoption. When the agency has received the parent's ~~release, surrender, and general consent to adoption,~~ relinquishment for adoption, the executive director or administrator ~~must shall~~ indicate acceptance of the ~~parent's release~~ relinquishment document by signing the appropriate form for this purpose. A copy of the ~~parent's release, surrender, and general consent to adoption~~ relinquishment for adoption and of the agency's acceptance ~~must shall~~ be given to the parent. The Director or Administrator shall designate the agency's supervisor of adoptions or the adoptions social worker handling the case to accept the ~~parent's release, surrender, and general consent to adoption~~ relinquishment for adoption in the event the Director or Administrator will not be available to perform this task in person. An agency shall acquire legal and physical custody of a minor for purposes of adoptive placement only by means of a relinquishment pursuant to G.S. 48, Part 7 of Article 1, or by terminating the rights and duties of a parent or guardian of the minor.

(e) In addition to providing services to the child in compliance with 10 NCAC 41O, agencies providing adoption services shall involve a child in the selection of an adoptive home and in preparation for adoptive placement, as is appropriate to the age of the child.

History Note: Authority G.S. 48-3-204; 131D-10.5; 143B-153;

Eff. February 1, 1986;

Amended Eff. June 1, 1990;

Temporary Amendment Eff. July 1, 1996;

Recodified from 10 NCAC 41P .0005 Eff. December 6, 1996;

Amended Eff. April 1, 1997.

.0113 FEES

(a) County departments of social services may charge reasonable fees for the preparation of a preplacement assessment or report to the court in accordance with G.S. 48-3-304(a) and G.S. 48-2-504(a). No fee shall be charged except pursuant to a written fee agreement which must be signed by the parties to be charged prior to the beginning of the preparation. The fee agreement shall not be based on the outcome of the report or the adoption proceeding.

(b) Maximum fees for the preparation of the reports shall not exceed:

- (1) One thousand five hundred dollars (\$1500) for the preplacement assessment and report to the court; and
- (2) Two hundred dollars (\$200.00) for report to the court only.

(c) No fee shall be charged when one or more of the following circumstances exists:

- (1) The head of household for the prospective adoptive family is an AFDC or SSI recipient;
- (2) The family unit's income is below the State's Established Income (or 150% of the 1992 Federal Poverty Level); or
- (3) The family has identified an adoptee who is in the custody and placement responsibility of the Department of Social Services, and provided that the adoptive family continues to pursue the adoption of the identified child.

(d) Fees for the above reports may be reduced or waived if it can be documented in the case record that the prospective adoptive family cannot pay the required fee. Unless reduced or waived, the entire fee shall be paid in accordance with local policy.

History Note: Authority G.S. 48-2-404; 48-3-304;

Temporary Adoption Eff. July 1, 1996;

Recodified from 10 NCAC 41P .0013 Eff. December 6, 1996;

Eff. April 1, 1997.

CHAPTER 42 - INDIVIDUAL AND FAMILY SUPPORT

**SUBCHAPTER 42A - ADULT PLACEMENT
SERVICES**

**SECTION .0700 - ADULT CARE HOME CASE
MANAGEMENT**

.0703 DESIGNATED AGENCIES

Adult Care Home Case Management may be provided by an Area Mental Health Agency and a County Department of Social Services.

*History Note: Authority G.S. 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997.*

**SUBCHAPTER 42C - LICENSING OF FAMILY
CARE HOMES**

SECTION .2000 - PERSONNEL

.2011 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that personal care staff and those who directly supervise them in facilities without heavy care residents successfully complete a 20-hour training program, including competency evaluation, approved by the Department according to Rule .2012 of this Section. For the purposes of this Subchapter, heavy care residents are those for whom the facility is providing personal care tasks listed in Paragraph (i) of this Rule. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform personal care tasks listed in Paragraph (i) of this Rule in facilities with heavy care residents successfully complete a 75-hour training program, including competency evaluation, approved by the Department according to Rule .2012 of this Section and comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 20-

hour training requirement upon successful completion of a competency evaluation approved by the Department according to Rule .2012 of this Section if staff have been employed to perform or directly supervise personal care tasks listed in Paragraph (h) of this Rule in a comparable long-term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.

- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-hour refresher training and competency evaluation program or a competency evaluation program approved by the Department according to Rule .2012 of this Section if staff have been employed to perform or directly supervise personal care tasks listed in Paragraph (i) of this Rule in a comparable long-term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.

- (3) The Department shall exempt staff from the 20 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform personal care tasks listed in Paragraphs (h) and (i) of this Rule receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, personal care tasks which require a 20-hour training program include, but are not limited to the following:

- (1) assist residents with toileting and maintaining bowel and bladder continence;
- (2) assist residents with mobility and transferring;
- (3) provide care for normal, unbroken skin;
- (4) assist with personal hygiene to include mouth care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;
- (5) trim hair;
- (6) shave resident;
- (7) provide basic first aid;
- (8) assist residents with dressing;
- (9) assist with feeding residents with special conditions but no swallowing difficulties;
- (10) assist and encourage physical activity;
- (11) take and record temperature, pulse, respiration, routine height and weight;
- (12) trim toenails for residents without diabetes or peripheral vascular disease;

- (13) perineal care;
- (14) apply condom catheters;
- (15) turn and position;
- (16) collect urine or fecal specimens;
- (17) take and record blood pressure if a registered nurse has determined and documented staff to be competent to perform this task;
- (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and
- (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.

(i) For the purposes of this Rule, personal care tasks which require a 75-hour training program are as follows:

- (1) assist with feeding residents with swallowing difficulty;
- (2) assist with gait training using assistive devices;
- (3) assist with or perform range of motion exercises;
- (4) empty and record drainage of catheter bag;
- (5) administer enemas;
- (6) bowel and bladder retraining to regain continence;
- (7) test urine or fecal specimens;
- (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
- (9) non-sterile dressing procedures;
- (10) force and restrict fluids;
- (11) apply prescribed heat therapy;
- (12) care for non-infected pressure ulcers; and
- (13) vaginal douches.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;

Temporary Adoption Eff. January 1, 1996;

Eff. May 1, 1997.

.2012 TRAINING PROGRAM AND COMPETENCY EVALUATION CONTENT AND APPROVAL

(a) The 20-hour training specified in Rule .2011 of this Section shall consist of at least 12 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) personal care skills;
- (2) cognitive, behavioral and social care, including mental disabilities; and
- (3) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .2011 of this Section shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical

experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;
- (4) cognitive, behavioral and social care, including mental disabilities;
- (5) basic restorative services; and
- (6) residents' rights as established by G.S. 131D-21.

(c) The following requirements shall apply to the 20 and 75-hour training specified in Rule .2011 of this Section:

- (1) The training shall be conducted by an individual or a team of instructors with a coordinator. The supervisor of practical experience and instructor of content having to do with personal care tasks or basic nursing skills shall be a registered nurse with a current, unencumbered license in North Carolina and with two years of clinical or direct patient care experience working in a health care, home care or long term care setting. The program coordinator and any instructor of content that does not include instruction on personal care tasks or basic nursing skills shall be a registered nurse, licensed practical nurse, physician, gerontologist, social worker, psychologist, mental health professional or other health professional with two years of work experience in adult education or in a long term care setting; or a four-year college graduate with four years of experience working in the field of aging or long term care for adults.
- (2) A trainee participating in the classroom instruction and supervised practical experience in the setting of the trainee's employment shall not be considered on duty and counted in the staff-to-resident ratio.
- (3) Training shall not be offered without a qualified instructor on site.
- (4) Classroom instruction shall include the opportunity for demonstration and practice of skills.
- (5) Supervised practical experience shall be conducted in a licensed adult care home or in a facility or laboratory setting comparable to the work setting in which the trainee will be performing or supervising the personal care skills.
- (6) All skills shall be performed on humans except for intimate care skills, such as perineal and catheter care, which may be conducted on a mannequin.
- (7) There shall be no more than 10 trainees for each instructor for the supervised practical experience.
- (8) A written examination prepared by the instructor shall be used to evaluate the trainee's knowledge of the content portion of the classroom training. The trainee shall score at least 70 on the written

examination. Oral testing shall be provided in the place of a written examination for trainees lacking reading or writing ability.

- (9) The trainee shall satisfactorily perform all of the personal care skills specified in Rule .2011(h) of this Section for the 20-hour training and in Rule .2011(h) and (i) of this Section for the 75-hour training. The instructor shall use a skills performance checklist for this competency evaluation that includes, at least, all those skills specified in Rule .2011(h) of this Section for the 20-hour training and all those skills specified in Rule .2011(h) and (i) of this Section for the 75-hour training. Satisfactory performance of the personal care skills means that the trainee performed the skill unassisted; explained the procedure to the resident; explained to the instructor, prior to or after the procedure, what was being done and why it was being done in that way; and incorporated the principles of good body mechanics, medical asepsis and resident safety and privacy.
- (10) The training provider shall issue to all trainees who successfully complete the training a certificate, signed by the registered nurse who conducted the skills competency evaluation, stating that the trainee successfully completed the 20 or 75-hour training. The trainee's name shall be on the certificate. The training provider shall maintain copies of the certificates and the skills evaluation checklists for a minimum of five years.

(d) An individual, agency or organization seeking to provide the 20 or 75-hour training specified in Rule .2011 of this Section shall submit the following information to the Group Care Licensure Section of the Division of Facility Services:

- (1) an application which is available at no charge by contacting the Division of Facility Services, Group Care Licensure Section, Post Office Box 29530, Raleigh, North Carolina 27626-0530;
- (2) a statement of training program philosophy;
- (3) a statement of training program objectives for each content area;
- (4) a curriculum outline with specific hours for each content area;
- (5) teaching methodologies, a list of texts or other instructional materials and a copy of the written exam or testing instrument with an established passing grade;
- (6) a list of equipment and supplies to be used in the training;
- (7) procedures or steps to be completed in the performance of the personal care and basic nursing skills;
- (8) sites for classroom and supervised practical experience, including the specific settings or rooms within each site;

- (9) resumes of all instructors and the program coordinator, including current RN certificate numbers as applicable;
- (10) policy statements that address the role of the registered nurse, instructor to trainee ratio for the supervised practical experience, retention of trainee records and attendance requirements;
- (11) a skills performance checklist as specified in Subparagraph (c)(9) of this Rule; and
- (12) a certificate of successful completion of the training program.

(e) The following requirements shall apply to the competency evaluation for purposes of exempting adult care home staff from the 20 or 75-hour training as required in Rule .2011 of this Section:

- (1) The competency evaluation for purposes of exempting adult care home staff from the 20 and 75-hour training shall consist of the satisfactory performance of personal care skills according to the requirement in Subparagraph (c)(9) of this Rule.
- (2) Any person who conducts the competency evaluation for exemption from the 20 or 75-hour training shall be a registered nurse with the same qualifications specified in Subparagraph (c)(1) of this Rule.
- (3) The competency evaluation shall be conducted in a licensed adult care home or in a facility or laboratory setting comparable to the work setting in which the participant will be performing or supervising the personal care skills.
- (4) All skills being evaluated shall be performed on humans except for intimate care skills such as perineal and catheter care, which may be performed on a mannequin.
- (5) The person being competency evaluated in the setting of the person's employment shall not be considered on duty and counted in the staff-to-resident ratio.
- (6) An individual, agency or organization seeking to provide the competency evaluation for training exemption purposes shall complete an application available at no charge from the Division of Facility Services, Group Care Licensure Section, Post Office Box 29530, Raleigh, North Carolina 27626-0530 and submit it to the Group Care Licensure Section along with the following information:
 - (A) resume of the person performing the competency evaluation, including the current RN certificate number;
 - (B) a certificate, with the signature of the evaluating registered nurse and the participant's name, to be issued to the person successfully completing the competency evaluation;
 - (C) procedures or steps to be completed in the

performance of the personal care and basic nursing skills;

- (D) a skills performance checklist as specified in Subparagraph (c)(9) of this Rule;
- (E) a site for the competency evaluation; and
- (F) a list of equipment, materials and supplies.

*History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
Temporary Adoption Eff. January 1, 1996;
Eff. May 1, 1997.*

SUBCHAPTER 42D - LICENSING OF HOMES FOR THE AGED AND INFIRM

SECTION .1400 - PERSONNEL

.1410 STAFF COMPETENCY AND TRAINING

(a) The facility shall assure that staff who perform or directly supervise staff who perform personal care tasks listed in Paragraph (h) of this Rule successfully complete a 40-hour training program, including competency evaluation, approved by the Department according to Rule .1411 of this Section. Directly supervise means being on duty in the facility to oversee or direct the performance of staff duties.

(b) The facility shall assure that staff who perform or directly supervise staff who perform personal care tasks listed in Paragraph (i) of this Rule successfully complete a 75-hour training program, including competency evaluation, approved by the Department according to Rule .1411 of this Section and comparable to the State-approved Nurse Aide I training.

(c) The facility shall assure that training specified in Paragraphs (a) and (b) of this Rule is successfully completed within one of the following time frames:

- (1) six months after implementation of a statewide training program for staff hired before such implementation; or
- (2) six months after hiring for staff hired after implementation of a statewide training program established by the Department of Community Colleges.

(d) The Department shall have the authority to extend the six-month time frame specified in Paragraph (c) of this Rule up to six additional months for a maximum allowance of 12 months for completion of training upon submittal of documentation to the Department by the facility showing good cause for not meeting the six-month time frame.

(e) Exemptions from the training requirements of this Rule are as follows:

- (1) The Department shall exempt staff from the 40-hour training requirement upon successful completion of a competency evaluation approved by the Department according to Rule .1411 of this Section if staff have been employed to perform or directly supervise personal care tasks listed in Paragraph (h) of this Rule in a comparable long-

term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.

- (2) The Department shall exempt staff from the 75-hour training requirement upon successful completion of a 15-hour refresher training and competency evaluation program or a competency evaluation program approved by the Department according to Rule .1411 of this Section if staff have been employed to perform or directly supervise personal care tasks listed in Paragraph (i) of this Rule in a comparable long-term care setting for a total of at least 12 months during the three years prior to January 1, 1996, or the date they are hired, whichever is later.

- (3) The Department shall exempt staff from the 40 and 75-hour training and competency evaluation who are licensed health professionals or listed on the N.C. Nurse Aide Registry.

(f) The facility shall maintain documentation of the training and competency evaluations of staff required by the rules of this Subchapter. The documentation shall be filed in an orderly manner and made available for review by representatives of the Department.

(g) The facility shall assure that staff who perform or directly supervise staff who perform personal care tasks listed in Paragraphs (h) and (i) of this Rule receive on-the-job training and supervision as necessary for the performance of individual job assignments prior to meeting the training and competency requirements of this Rule.

(h) For the purposes of this Rule, personal care tasks which require a 40-hour training program include, but are not limited to the following:

- (1) assist residents with toileting and maintaining bowel and bladder continence;
- (2) assist residents with mobility and transferring;
- (3) provide care for normal, unbroken skin;
- (4) assist with personal hygiene to include mouth care, hair and scalp grooming, care of fingernails, and bathing in shower, tub, bed basin;
- (5) trim hair;
- (6) shave resident;
- (7) provide basic first aid;
- (8) assist residents with dressing;
- (9) assist with feeding residents with special conditions but no swallowing difficulties;
- (10) assist and encourage physical activity;
- (11) take and record temperature, pulse, respiration, routine height and weight;
- (12) trim toenails for residents without diabetes or peripheral vascular disease;
- (13) perineal care;
- (14) apply condom catheters;
- (15) turn and position;
- (16) collect urine or fecal specimens;
- (17) take and record blood pressure if a registered nurse has determined and documented staff to be

- competent to perform this task;
- (18) apply and remove or assist with applying and removing prosthetic devices for stable residents if a registered nurse, licensed physical therapist or licensed occupational therapist has determined and documented staff to be competent to perform the task; and
- (19) apply or assist with applying ace bandages, TED's and binders for stable residents if a registered nurse has determined and documented staff to be competent to perform the task.

(i) For the purposes of this Rule, personal care tasks which require a 75-hour training program are as follows:

- (1) assist with feeding residents with swallowing difficulty;
- (2) assist with gait training using assistive devices;
- (3) assist with or perform range of motion exercises;
- (4) empty and record drainage of catheter bag;
- (5) administer enemas;
- (6) bowel and bladder retraining to regain continence;
- (7) test urine or fecal specimens;
- (8) use of physical or mechanical devices attached to or adjacent to the resident which restrict movement or access to one's own body used to restrict movement or enable or enhance functional abilities;
- (9) non-sterile dressing procedures;
- (10) force and restrict fluids;
- (11) apply prescribed heat therapy;
- (12) care for non-infected pressure ulcers; and
- (13) vaginal douches.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;

*Temporary Adoption Eff. January 1, 1996;
Eff. May 1, 1997.*

.1411 TRAINING PROGRAM AND COMPETENCY EVALUATION CONTENT AND APPROVAL

(a) The 40-hour training specified in Rule .1410 of this Section shall consist of at least 20 hours of classroom instruction, and the remaining hours shall be supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) personal care skills;
- (2) cognitive, behavioral and social care, including mental disabilities; and
- (3) residents' rights as established by G.S. 131D-21.

(b) The 75-hour training specified in Rule .1410 of this Section shall consist of at least 30 hours of classroom instruction and at least 30 hours of supervised practical experience. Competency evaluation shall be conducted in each of the following areas:

- (1) observation and documentation;
- (2) basic nursing skills, including special health-related tasks;
- (3) personal care skills;

- (4) cognitive, behavioral and social care, including mental disabilities;
 - (5) basic restorative services; and
 - (6) residents' rights as established by G.S. 131D-21.
- (c) The following requirements shall apply to the 40 and 75-hour training specified in Rule .1410 of this Section:

- (1) The training shall be conducted by an individual or a team of instructors with a coordinator. The supervisor of practical experience and instructor of content having to do with personal care tasks or basic nursing skills shall be a registered nurse with a current, unencumbered license in North Carolina and with two years of clinical or direct patient care experience working in a health care, home care or long term care setting. The program coordinator and any instructor of content that does not include instruction on personal care tasks or basic nursing skills shall be a registered nurse, licensed practical nurse, physician, gerontologist, social worker, psychologist, mental health professional or other health professional with two years of work experience in adult education or in a long term care setting; or a four-year college graduate with four years of experience working in the field of aging or long term care for adults.
- (2) A trainee participating in the classroom instruction and supervised practical experience in the setting of the trainee's employment shall not be considered on duty and counted in the staff-to-resident ratio.
- (3) Training shall not be offered without a qualified instructor on site.
- (4) Classroom instruction shall include the opportunity for demonstration and practice of skills.
- (5) Supervised practical experience shall be conducted in a licensed adult care home or in a facility or laboratory setting comparable to the work setting in which the trainee will be performing or supervising the personal care skills.
- (6) All skills shall be performed on humans except for intimate care skills, such as perineal and catheter care, which may be conducted on a mannequin.
- (7) There shall be no more than 10 trainees for each instructor for the supervised practical experience.
- (8) A written examination prepared by the instructor shall be used to evaluate the trainee's knowledge of the content portion of the classroom training. The trainee shall score at least 70 on the written examination. Oral testing shall be provided in the place of a written examination for trainees lacking reading or writing ability.
- (9) The trainee shall satisfactorily perform all of the personal care skills specified in Rule .1410(h) of this Section for the 40-hour training and in Rule

.1410(h) and (i) of this Section for the 75-hour training. The instructor shall use a skills performance checklist for this competency evaluation that includes, at least, all those skills specified in Rule .1410(h) of this Section for the 40-hour training and all those skills specified in Rule .1410(h) and (i) of this Section for the 75-hour training. Satisfactory performance of the personal care skills means that the trainee performed the skill unassisted; explained the procedure to the resident; explained to the instructor, prior to or after the procedure, what was being done and why it was being done in that way; and incorporated the principles of good body mechanics, medical asepsis and resident safety and privacy.

- (10) The training provider shall issue to all trainees who successfully complete the training a certificate, signed by the registered nurse who conducted the skills competency evaluation, stating that the trainee successfully completed the 40 or 75-hour training. The trainee's name shall be on the certificate. The training provider shall maintain copies of the certificates and the skills evaluation checklists for a minimum of five years.

(d) An individual, agency or organization seeking to provide the 40 or 75-hour training specified in Rule .1410 of this Section shall submit the following information to the Group Care Licensure Section of the Division of Facility Services:

- (1) an application which is available at no charge by contacting the Division of Facility Services, Group Care Licensure Section, Post Office Box 29530, Raleigh, North Carolina 27626-0530;
- (2) a statement of training program philosophy;
- (3) a statement of training program objectives for each content area;
- (4) a curriculum outline with specific hours for each content area;
- (5) teaching methodologies, a list of texts or other instructional materials and a copy of the written exam or testing instrument with an established passing grade;
- (6) a list of equipment and supplies to be used in the training;
- (7) procedures or steps to be completed in the performance of the personal care and basic nursing skills;
- (8) sites for classroom and supervised practical experience, including the specific settings or rooms within each site;
- (9) resumes of all instructors and the program coordinator, including current RN certificate numbers as applicable;
- (10) policy statements that address the role of the registered nurse, instructor to trainee ratio for the supervised practical experience, retention of

trainee records and attendance requirements;

- (11) a skills performance checklist as specified in Subparagraph (c)(9) of this Rule; and
- (12) a certificate of successful completion of the training program.

(e) The following requirements shall apply to the competency evaluation for purposes of exempting adult care home staff from the 40 or 75-hour training as required in Rule .1410 of this Section:

- (1) The competency evaluation for purposes of exempting adult care home staff from the 40 or 75-hour training shall consist of the satisfactory performance of personal care skills according to the requirement in Subparagraph (c)(9) of this Rule.
- (2) Any person who conducts the competency evaluation for exemption from the 40 or 75-hour training shall be a registered nurse with the same qualifications specified in Subparagraph (c)(1) of this Rule.
- (3) The competency evaluation shall be conducted in a licensed adult care home or in a facility or laboratory setting comparable to the work setting in which the participant will be performing or supervising the personal care skills.
- (4) All skills being evaluated shall be performed on humans except for intimate care skills such as perineal and catheter care, which may be performed on a mannequin.
- (5) The person being competency evaluated in the setting of the person's employment shall not be considered on duty and counted in the staff-to-resident ratio.
- (6) An individual, agency or organization seeking to provide the competency evaluation for training exemption purposes shall complete an application available at no charge from the Division of Facility Services, Group Care Licensure Section, Post Office Box 29530, Raleigh, North Carolina 27626-0530 and submit it to the Group Care Licensure Section along with the following information:
 - (A) resume of the person performing the competency evaluation, including the current RN certificate number;
 - (B) a certificate, with the signature of the evaluating registered nurse and the participant's name, to be issued to the person successfully completing the competency evaluation;
 - (C) procedures or steps to be completed in the performance of the personal care and basic nursing skills;
 - (D) a skills performance checklist as specified in Subparagraph (c)(9) of this Rule;
 - (E) a site for the competency evaluation; and
 - (F) a list of equipment, materials and supplies.

History Note: Authority G.S. 131D-2; 131D-4.3; 143B-153;
 Temporary Adoption Eff. January 1, 1996;
 Eff. May 1, 1997.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
 HEALTH, AND NATURAL RESOURCES**

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

**SUBCHAPTER 2B - SURFACE WATER AND
 WETLAND STANDARDS**

**SECTION .0200 - CLASSIFICATIONS AND WATER
 QUALITY STANDARDS APPLICABLE TO
 SURFACE WATERS AND WETLANDS OF
 NORTH CAROLINA**

**.0229 TAR-PAMLICO RIVER BASIN - NUTRIENT
 SENSITIVE WATERS MANAGEMENT
 STRATEGY: NUTRIENT OFFSET
 PAYMENTS FOR NON-TAR-PAMLICO
 BASIN ASSOCIATION MEMBERS**

(a) All waters of the Tar-Pamlico River Basin have been supplementally classified nutrient sensitive waters (NSW) pursuant to 15A NCAC 2B .0223. The following procedures are to be implemented in accordance with 15A NCAC 2B .0223 in all waters of the Tar-Pamlico River Basin for those wastewater dischargers who are not members of the Tar-Pamlico Basin Association;

(b) Existing wastewater dischargers expanding to greater than 0.5 million gallons per day (MGD), who are not members of the Tar-Pamlico Basin Association, shall be required to offset their additional nutrient loads by funding nonpoint source control programs approved by the Division of Water Quality prior to the issuance of their NPDES permit and at each renewal. Nitrogen and phosphorus loads shall be offset at the rate of 110 percent of the cost to implement BMPs designed to reduce that same load created by expanding the discharge above 0.5 MGD. Equations for calculating the offset costs are:

(1) For an existing facility with permitted flow of less than or equal to 0.5 MGD as of December 8, 1994 expanding to greater than 0.5 MGD who is not a member of the Tar-Pamlico Basin Association:

$$\text{Payment} = ((\text{PF}_e \times (\text{TN} + \text{TP}) \times 1384) - (0.5 \times (\text{TN} + \text{TP}) \times 1384)) \times (\text{BMP}_e \times 1.1) \text{ where:}$$

Payment = the nutrient offset payment (\$);

PF_e = Permitted Flow including expansion (MGD);

TN = 6 mg/l total nitrogen for domestic discharges or BAT for industrial discharges;

TP = 1 mg/l total phosphorus for domestic discharges or BAT for industrial discharges;

1384 = conversion factor;

0.5 = the permitted flow (MGD) above which payment for additional nutrient loading is required;

BMP_e = Best Management Practice cost-effectiveness rate in \$/kg as set in 15A NCAC 2B .0237 of this Section;

1.1 = 110 percent of the cost for the nonpoint source controls.

(2) For an expanding facility with a permitted flow of greater than or equal to 0.5 MGD as of December 8, 1994 who is not a member of the Tar-Pamlico Basin Association:

$$\text{Payment} = ((\text{PF}_e \times (\text{TN} + \text{TP}) \times 1384) - (\text{PF}_e \times (\text{TN} + \text{TP}) \times 1384)) \times (\text{BMP}_e \times 1.1) \text{ where:}$$

Payment = the nutrient offset payment (\$);

PF_e = Permitted Flow including expansion (MGD);

PF = Permitted Flow as of December 8, 1994 (MGD);

TN = 6 mg/l total nitrogen for domestic discharges or BAT for industrial discharges;

TP = 1 mg/l total phosphorus for domestic discharges or BAT for industrial discharges;

1384 = conversion factor;

BMP_e = Best Management Practice cost-effectiveness rate in \$/kg as set in 15A NCAC 2B .0237 of this Section;

1.1 = 110 percent of the cost for the nonpoint source controls.

(c) New wastewater dischargers with permitted flows greater than or equal to 0.05 MGD, who are not members of the Tar-Pamlico Basin Association, shall be required to offset their nutrient loads by funding nonpoint source control programs approved by the Division of Water Quality prior to the issuance of their NPDES permit and at each renewal. Nitrogen and phosphorus loads shall be offset at the rate of 110 percent of the cost to implement BMPs designed to reduce that same loading created by the new discharge above 0.05 MGD. The equation for calculating the offset costs is:

$$\text{Payment} = \text{PF} \times (\text{TN} + \text{TP}) \times 1384 \times (\text{BMP}_e \times 1.1) \text{ where:}$$

Payment = the nutrient offset payment (\$);

PF = Permitted Flow (MGD);

TN = 6 mg/l total nitrogen for domestic discharges or BAT for industrial discharges;

TP = 1 mg/l total phosphorus for domestic discharges or BAT for industrial discharges;

1384 = conversion factor;

BMP_e = Best Management Practice cost-effectiveness rate in \$/kg as set in 15A NCAC 2B .0237 of this Section;

1.1 = 110 percent of the cost for the nonpoint source controls.

(d) Existing wastewater dischargers expanding to greater than 0.5 MGD, who are not members of the Tar-Pamlico Basin Association, may petition the Commission or its designee for an exemption from Paragraph (b) of this Rule upon meeting all of the following conditions:

- (1) For industrial facilities:
 - (A) The facility has reduced its annual average TN loading by 30 percent from its annual average 1991 TN loading or nitrogen is not part of the waste stream above background levels;
 - (B) The facility has reduced its annual average TP loading by 30 percent from its annual average 1991 TP loading or phosphorus is not part of the waste stream above background levels;
 - (C) The expansion does not result in annual average TN loading greater than 70 percent of the 1991 annual average TN load. Permit limits may be established to insure that the 70 percent load is not exceeded;
 - (D) The expansion does not result in annual average TP loading greater than 70 percent of the 1991 annual average TP load. Permit limits may be established to insure that the 70 percent load is not exceeded;
 - (E) To maintain its exemption from Paragraph (b) of this Rule, a facility must continue to meet the requirements of Subparagraph (d)(1) Parts (A) through (D) of this Rule.
- (2) For municipal facilities:
 - (A) The facility has reduced its annual average TN loading by 30 percent from its annual average 1991 TN loading;
 - (B) The facility has reduced its annual average TP loading by 30 percent from its annual average 1991 TP loading;
 - (C) The expansion does not result in annual average TN loading greater than 70 percent of the 1991 annual average TN load. Permit limits may be established to insure that the 70 percent load is not exceeded;
 - (D) The expansion does not result in annual average TP loading greater than 70 percent of the 1991 annual average TP load. Permit limits may be established to insure that the 70 percent load is not exceeded;
 - (E) To maintain its exemption from Paragraph (b) of this Rule, a facility must continue to meet the requirements of Subparagraph (d)(2) Parts (A) through (D) of this Rule.

History Note: Authority G.S. 143-214.1; Eff. April 1, 1997.

CHAPTER 3 - MARINE FISHERIES

SUBCHAPTER 3I - GENERAL RULES

SECTION .0100 - GENERAL RULES

.0101 DEFINITIONS

(a) All definitions set out in G.S. 113, Subchapter IV apply to this Chapter.

(b) The following additional terms are hereby defined:

- (1) Commercial Fishing Equipment. All fishing equipment used in coastal fishing waters except:
 - (A) Seines less than 12 feet in length;
 - (B) Spears;
 - (C) A dip net having a handle not more than eight feet in length and a hoop or frame to which the net is attached not exceeding 60 inches along the perimeter;
 - (D) Hook-and-line and bait-and-line equipment other than multiple-hook or multiple-bait trotline;
 - (E) A landing net used to assist in taking fish when the initial and primary method of taking is by the use of hook and line; and
 - (F) Cast Nets.
- (2) Fixed or stationary net. A net anchored or staked to the bottom, or some structure attached to the bottom, at both ends of the net.
- (3) Mesh Length. The diagonal distance from the inside of one knot to the outside of the other knot, when the net is stretched hand-tight.
- (4) Possess. Any actual or constructive holding whether under claim of ownership or not.
- (5) Transport. Ship, carry, or cause to be carried or moved by public or private carrier by land, sea, or air.
- (6) Use. Employ, set, operate, or permit to be operated or employed.
- (7) Purse Gill Nets. Any gill net used to encircle fish when the net is closed by the use of a purse line through rings located along the top or bottom line or elsewhere on such net.
- (8) Gill Net. A net set vertically in the water to capture fish by entanglement by the gills in its mesh as a result of net design, construction, mesh size, webbing diameter or method in which it is used.
- (9) Seine. A net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used.
- (10) Internal Coastal Waters or Internal Waters. All

History Note: Authority G.S. 143-214.1; Eff. April 1, 1997.

.0237 BEST MANAGEMENT PRACTICE COST-EFFECTIVENESS RATE

The Best Management Practice cost-effectiveness rate (BMP) represents the cost to achieve a reduction of one kilogram of total nitrogen through the use of BMP's. This rate shall be used for determining cost of nutrient controls and shall be twenty-nine dollars (\$29/kg).

- coastal fishing waters except the Atlantic Ocean.
- (11) Channel Net. A net used to take shrimp which is anchored or attached to the bottom at both ends or with one end anchored or attached to the bottom and the other end attached to a boat.
- (12) Dredge. A device towed by engine power consisting of a frame, tooth bar or smooth bar, and catchbag used in the harvest of oysters, clams, crabs, scallops, or conchs.
- (13) Mechanical methods for clamming. Includes, but not limited to, dredges, hydraulic clam dredges, stick rakes and other rakes when towed by engine power, patent tongs, kicking with propellers or deflector plates with or without trawls, and any other method that utilizes mechanical means to harvest clams.
- (14) Mechanical methods for oystering. Includes, but not limited to, dredges, patent tongs, stick rakes and other rakes when towed by engine power and any other method that utilizes mechanical means to harvest oysters.
- (15) Depuration. Purification or the removal of adulteration from live oysters, clams, and mussels by any natural or artificially controlled means.
- (16) Peeler Crab. A blue crab that has a soft shell developing under a hard shell and having a definite pink, white, or red line or rim on the outer edge of the back fin or flipper.
- (17) Length of finfish. Determined by measuring along a straight line the distance from the tip of the snout with the mouth closed to the tip of the compressed caudal (tail) fin.
- (18) Licensee. Any person holding a valid license from the Department to take or deal in marine fisheries resources.
- (19) Aquaculture operation. An operation that produces artificially propagated stocks of marine or estuarine resources or obtains such stocks from authorized sources for the purpose of rearing in a controlled environment. A controlled environment provides and maintains throughout the rearing process one or more of the following: predator protection, food, water circulation, salinity, or temperature controls utilizing proven technology not found in the natural environment.
- (20) Critical habitat areas. The fragile estuarine and marine areas that support juvenile and adult populations of economically important seafood species, as well as forage species important in the food chain. Critical habitats include nursery areas, beds of submerged aquatic vegetation, shellfish producing areas, anadromous fish spawning and anadromous fish nursery areas, in all coastal fishing waters as determined through marine and estuarine survey sampling. Critical habitats are vital for portions, or the entire life cycle, including the early growth and development of important seafood species.
- (A) Beds of submerged aquatic vegetation are those habitats in public trust and estuarine waters vegetated with one or more species of submerged vegetation such as eelgrass (*Zostera marina*), shoalgrass (*Halodule wrightii*) and widgeongrass (*Ruppia maritima*). These vegetation beds occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of above-ground leaves or the below-ground rhizomes and propagules together with the sediment on which the plants grow. In defining beds of submerged aquatic vegetation, the Marine Fisheries Commission recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the submerged aquatic vegetation definition and its implementing rules to apply to or conflict with the non-development control activities authorized by that Act.
- (B) Shellfish producing habitats are those areas in which economically important shellfish, such as, but not limited to clams, oysters, scallops, mussels, and whelks, whether historically or currently, reproduce and survive because of such favorable conditions as bottom type, salinity, currents, cover, and cultch. Included are those shellfish producing areas closed to shellfish harvest due to pollution.
- (C) Anadromous fish spawning areas are defined as those areas where evidence of spawning of anadromous fish has been documented by direct observation of spawning, capture of running ripe females, or capture of eggs or early larvae.
- (D) Anadromous fish nursery areas are defined as those areas in the riverine and estuarine systems utilized by post-larval and later juvenile anadromous fish.
- (21) Intertidal Oyster Bed. A formation, regardless of size or shape, formed of shell and live oysters of varying density.
- (22) North Carolina Trip Ticket. Multiple-part form provided by the Department to fish dealers who are required to record and report transactions on such forms.
- (23) Transaction. Act of doing business such that fish are sold, offered for sale, exchanged, bartered, distributed or landed. The point of landing shall be considered a transaction when the fisherman is the fish dealer.
- (24) Live rock. Living marine organisms or an assemblage thereof attached to a hard substrate

including dead coral or rock (excluding mollusk shells). For example, such living marine organisms associated with hard bottoms, banks, reefs, and live rock may include, but are not limited to:

- (A) Animals:
 - (i) Sponges (Phylum Porifera);
 - (ii) Hard and Soft Corals, Sea Anemones (Phylum Cnidaria):
 - (I) Fire corals (Class Hydrozoa);
 - (II) Gorgonians, whip corals, sea pansies, anemones, Solenastrea (Class Anthozoa);
 - (iii) Bryozoans (Phylum Bryozoa);
 - (iv) Tube Worms (Phylum Annelida):
 - (I) Fan worms (Sabellidae);
 - (II) Feather duster and Christmas tree worms (Serpulidae);
 - (III) Sand castle worms (Sabellaridae).
 - (v) Mussel banks (Phylum Mollusca:Gastropoda);
 - (vi) Colonial barnacles (Arthropoda:Crustacea:Megabalanus sp.).
- (B) Plants:
 - (i) Coralline algae (Division Rhodophyta);
 - (ii) Acetabularia sp., Udotea sp., Halimeda sp., Caulerpa sp. (Division Chlorophyta);
 - (iii) Sargassum sp., Dictyopteris sp., Zonaria sp. (Division Phaeophyta).

- (25) Coral:
 - (A) Fire corals and hydrocorals (Class Hydrozoa);
 - (B) Stony corals and black corals (Class Anthozoa, Subclass Scleractinia);
 - (C) Octocorals; Gorgonian corals (Class Anthozoa, Subclass Octocorallia):
 - (i) Sea fans (Gorgonia sp.);
 - (ii) Sea whips (Leptogorgia sp. and Lophogorgia sp.);
 - (iii) Sea pansies (Renilla sp.).

- (26) Shellfish production on leases and franchises:
 - (A) (i) The culture of oysters, clams, scallops, and mussels, on shellfish leases and franchises from a sublegal harvest size to a marketable size.
 - (B) (ii) The transplanting (relay) of oysters, clams, scallops and mussels from designated areas closed due to pollution to shellfish leases and franchises in open waters and the natural cleansing of those shellfish.

- (27) Shellfish marketing from leases and franchises. The harvest of oysters, clams, scallops, mussels,

from privately held shellfish bottoms and lawful sale of those shellfish to the public at large or to a licensed shellfish dealer.

- (28) Shellfish planting effort on leases and franchises. The process of obtaining authorized cultch materials, seed shellfish, and polluted shellfish stocks and the placement of those materials on privately held shellfish bottoms for increased shellfish production.
- (29) Pound Net. A fish trap consisting of a holding pen, one or more enclosures, and a lead or leaders. The lead(s), enclosures, and holding pen are not conical, nor are they supported by hoops or frames.

History Note: Authority G.S. 113-134; 143B-289.4; Eff. January 1, 1991; Amended Eff. April 1, 1997; March 1, 1995; March 1, 1994; October 1, 1993; July 1, 1993.

.0105 LEAVING DEVICES UNATTENDED

(a) It is unlawful to leave stakes, anchors, nets, pots, buoys, or floating devices in any coastal fishing waters when such devices are not being employed in fishing operations except as otherwise provided by rule or General Statute.

(b) It is unlawful to leave pots in any coastal fishing waters for more than 10 consecutive days, when such pots are not being employed in fishing operations, except upon a timely and sufficient showing of hardship as defined in Subparagraph (b)(2) of this Rule or as otherwise provided by General Statute.

(1) Agents of the Fisheries Director may tag pots with a device approved by the Fisheries Director to aid and assist in the investigation and identification of unattended pots. Any such device attached to a pot by agents of the Fisheries Director must be removed by the individual utilizing the pot within 10 days of attachment in order to demonstrate that the pot is being employed in fishing operations.

(2) For the purposes of Paragraph (b) of this Rule only, a timely and sufficient showing of hardship shall be written notice given to the Fisheries Director that a mechanical breakdown of the owner's vessel(s) currently licensed under G.S. 113-152, or the death, illness or incapacity of the owner of the pot or his immediate family prevented or will prevent employing such pots in fishing operations more than 10 consecutive days. The notice shall be received by the Fisheries Director before any pot is left in coastal fishing waters for 10 consecutive days without being employed in fishing operations, and shall state, in addition to the following, the number and specific location of the pots, and the date on which the pots will be employed in fishing

operations or removed from coastal fishing waters:

- (A) in case of mechanical breakdown, the notice shall state the owner's N.C. motor boat registration number of the disabled vessel, date disabled, arrangements being made to repair the vessel or a copy of the work order showing the name, address and phone number of the repair facility; or
- (B) in case of the death, illness or incapacity of the owner of the pot or his immediate family, the notice shall state the name of the owner or immediate family member, the date of death, the date and nature of the illness or incapacity. The Fisheries Director may require a doctor's verification of the illness or incapacity. Failure to employ in fishing operations or remove from coastal fishing waters all pots for which notice of hardship is received under this Rule within 14 days of the expiration of the hardship shall be violation of this Rule.

(c) It is unlawful to set or have any fishing equipment in coastal fishing waters in violation of this Section or which contains edible species of fish unfit for human consumption.

History Note: Authority G.S. 113-134; 113-137; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. April 1, 1997; March 1, 1996.

SUBCHAPTER 3L - SHRIMP, CRABS, AND LOBSTER

SECTION .0200 - CRABS

.0201 SIZE LIMIT AND CULLING TOLERANCE

(a) It is unlawful to possess ~~hard~~ blue crabs less than five inches from tip of spike to tip of spike except, mature females females, soft and "peelers" peeler crabs. A tolerance of not more than 10 percent by number in any container shall be allowed.

~~(b) Tolerance of not more than 15 percent by number of any portion examined shall be allowed. In determining whether the proportion of undersize crabs exceeds the 15 percent tolerance limit, the Fisheries Director and his agents are authorized and empowered to grade all, or any portion, or any combination of portions of the entire quantity of crabs being graded, and in cases of violations, may require seizure and return to the waters, or other disposition as authorized by law. All crabs shall be culled by the catcher where harvested and all crabs less than legal size size, except mature females female and soft crabs and "peelers" shall be immediately returned to the waters from which taken. Peeler crabs "Peelers" shall be separated from the entire catch and placed in a separate container before~~

reaching shore or dock. Those peeler crabs not separated before reaching shore or dock shall be deemed hard crabs and are not exempt from the size restrictions specified in Paragraph (a) of this Rule.

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. April 1, 1997; July 1, 1993.

SUBCHAPTER 3M - FINFISH

SECTION .0500 - OTHER FINFISH

.0504 TROUT

- (a) Spotted seatrout (speckled trout).
 - (1) It is unlawful to possess spotted seatrout less than 12 inches total length.
 - (2) It is unlawful to possess more than 10 spotted seatrout per person per day taken by hook-and-line.
- (b) Weakfish (gray trout).
 - (1) The Fisheries Director may, by proclamation, impose any or all of the following restrictions on the taking of weakfish by commercial gear:
 - (A) Specify areas.
 - (B) Specify seasons.
 - (C) Specify quantity.
 - (D) Specify means/methods.
 - (E) Specify size, but the minimum size shall not be greater than 12 inches total length.
 - (2) ~~Weakfish taken by hook and line:~~
 - (A) ~~It is unlawful to possess weakfish less than 12 inches total length taken by hook and line.~~
 - (B) ~~It is unlawful to possess more than four weakfish per person per day taken by hook and line.~~
 - (2) The Fisheries Director may, by proclamation, in order to comply with or utilize conservation equivalency to comply with the Atlantic States Marine Fisheries Commission Weakfish Management Plan, impose any or all of the following restrictions on the taking of weakfish by hook-and-line:
 - (A) Specify quantity.
 - (B) Specify size.

History Note: Authority G.S. 113-134; 113-182; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. March 1, 1996; March 1, 1995; February 1, 1992.
Temporary Amendment Eff. September 9, 1996;
Temporary Amendment Eff. October 1, 1996;
Amended Eff. April 1, 1997.

.0511 BLUEFISH

(a) In order to comply with the management requirements incorporated in the Fishery Management Plan for Bluefish developed cooperatively by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions in the bluefish commercial fishery:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

(b) In order to comply with or utilize conservation equivalency to comply with the management requirements incorporated in the Fishery Management Plan for Bluefish developed cooperatively by the Mid-Atlantic Fisheries Management Council and the Atlantic States Marine Fisheries Commission, the Fisheries Director may, by proclamation, take any or all of the following actions in the bluefish hook-and-line fishery:

- (1) Specify size;
- (2) Specify quantity.

(b) ~~It is unlawful to possess bluefish less than 12 inches total length taken by hook and line.~~

(c) ~~It is unlawful to possess more than 20 bluefish per person per day taken by hook and line.~~

History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;

Eff. March 1, 1994;

Amended Eff. April 1, 1997; March 1, 1996.

Temporary Amendment Eff. September 9, 1996;

Amended Eff. April 1, 1997.

CHAPTER 7 - COASTAL MANAGEMENT

SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN

SECTION .0100 - INTRODUCTION AND GENERAL COMMENTS

.0104 DEVELOPMENT INITIATED PRIOR TO EFFECTIVE DATE OF REVISIONS

Development on lots created after September 27, 1996 shall comply with the current erosion rates established pursuant to 15A NCAC 7H .0304. Development on lots created between June 1, 1979 and September 27, 1996 must comply with the current rates to the maximum extent feasible and have a minimum setback equal to the rates in effect at the time the lots were created, or, those rates in effect at the time of issuance of any active CAMA permit for development on those lots, whichever is more restrictive. Development on lots created prior to June 1,

1979 shall comply with the provisions of 15A NCAC 7H .0309(b) and (c).

~~(a) The following Rules shall be used to determine whether the revisions to guidelines for development in areas of environmental concern (hereinafter referred to as revisions), with an effective date of June 1, 1979, shall apply to a proposed development.~~

~~(1) In the case of a development for which a CAMA permit was required prior to June 1, 1979, the revisions shall not be applicable if a complete and sufficient application for a CAMA permit was filed and accepted before June 1, 1979. However if the application should lapse or be denied, thereby requiring a new application after June 1, 1979, or if the application is modified or renewed after June 1, 1979, the revisions shall be made applicable.~~

~~(2) In the case of a development for which no CAMA permit was required prior to July 15, 1979, the revisions shall not be applicable if all legally required permits have been applied for and accepted in accordance with the applicable rules of the agency responsible for the permit. However, if the application should lapse or be denied, thereby requiring a new application after July 15, 1979, or if the application is modified or renewed after July 15, 1979, the revisions shall be applicable.~~

~~(3) In those cases where a CAMA major permit was issued before June 1, 1979, for a major development which included platted lots, the new standards shall apply to such platted lots only to the maximum extent possible without effectively prohibiting the intended use of those lots. In order for this Subparagraph to apply, the following conditions must be met:~~

~~(A) the lot on which the proposed development is to be located shall have been accurately shown on the major development permit application and the boundaries must not have been significantly altered.~~

~~(B) the lot on which the proposed development is to be located shall have been suitable for the intended use according to the AEC guidelines in effect at the time the major permit was issued.~~

~~(C) a minor development permit must be applied for and received according to the normal minor permit process before development can begin.~~

~~(D) this Rule shall apply only to development for which a permit application is submitted prior to expiration of the major development permit issued before June 1, 1979.~~

~~(4) In those cases where any necessary local approval was issued for a proposed subdivision~~

development prior to July 15, 1979, the Division of Coastal Management advised the developer in writing where to locate the ocean setback line for the proposed subdivision, and the proposed subdivision development was recorded in the county registry prior to July 15, 1979, with the ocean setback determined by the Division of Coastal Management, any new standards regarding oceanfront setbacks shall apply to the platted lots within the proposed subdivision only to the maximum extent possible without effectively prohibiting the intended use of those lots. In order for this Subparagraph to apply, the following conditions must be met:

- (A) the lot(s) on which the proposed development is to be located shall have been accurately shown on an approved local plat and the boundaries must not have been significantly altered;
- (B) the lot(s) on which the proposed development is to be located shall have been suitable for the intended use according to the AEC guidelines in effect at the time the plat was approved; and
- (C) a minor development permit(s) must be applied for and received according to the normal minor permit process before development can begin.

(b) The oceanfront setback provisions specifically applicable to large structures, as set forth by Rule .0306(a)(4) of this Subchapter, shall apply only to development applications received on or after November 1, 1983. Further, Rule .0306(a)(4) of this Subchapter shall only apply to the maximum extent possible without effectively prohibiting the intended use of the property in the following situations:

- (1) the completion of projects that had received valid CAMA permits prior to November 1, 1983, provided that permit renewals, modification and transfer requests for these projects made pursuant to 15A NCAC 7J .0404, .0405 and .0406 and 15A NCAC 7E .0105 shall be considered under the setback rules applicable at the time of original permit issuance, and no renewals or extensions of pre-existing permits shall be made beyond the expiration period unless either there has been substantial progress on construction or no material change in the physical conditions at the project site (as is provided by 15A NCAC 7J .0403); and
- (2) the completion of projects that were outside of CAMA permit jurisdiction prior to November 1, 1983, provided that all other required state and local permits had been applied for in accordance with the rules of the agencies responsible for such permits and that the developer has materially changed his or her position in good faith reliance on such development approvals. In all instances,

such development must be consistent with all other provisions of this Subchapter.

(e) In the case of subdivisions or projects which have received either all required final or preliminary local approvals or a CAMA major development permit prior to May 27, 1988, and have therein met all applicable CAMA setback requirements as of May 27, 1988, the updated oceanfront erosion rates approved by the Commission on July 29, 1988, and effective on November 1, 1988, shall only apply to the maximum extent feasible. For these previously approved lots and projects, the erosion rate existing as of May 27, 1988, shall be applied in determining minimum oceanfront setbacks for purposes of subsequent approved construction or development prior to the next erosion rate update.

(d) Reconfiguration of lots and projects that have a grandfather status under Paragraphs (b) and (c) of this Rule will be allowed provided that the following conditions are met:

- (1) Development is setback from the first line of stable natural vegetation a distance no less than that required by the applicable exceptions, and
- (2) Reconfiguration will not result in an increase in the number of buildable lots within the Ocean Hazard AEC or have other adverse environmental consequences.

History Note: Authority G.S. 113A-107; 113A-113; 113A-124;

Eff. September 15, 1979;

Amended Eff. April 1, 1997; April 1, 1995; May 1, 1990; November 1, 1988; September 1, 1988.

SECTION .0300 - OCEAN HAZARD AREAS

.0304 AECs WITHIN OCEAN HAZARD AREAS

The ocean hazard system of AECs contains all of the following areas:

- (1) Ocean Erodible Area. This is the area in which there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The seaward boundary of this area is the mean low water line. The landward extent of this area is determined as follows:
 - (a) a distance landward from the first line of stable natural vegetation to the recession line that would be established by multiplying the long-term annual erosion rate times 60, provided that, where there has been no long-term erosion or the rate is less than two feet per year, this distance shall be set at 120 feet landward from the first line of stable natural vegetation. For the purposes of this Rule, the erosion rates shall be the long-term average based on available historical data. The current long-term average erosion rate data for each

segment of the North Carolina coast is depicted on those set forth in tables maps entitled "Long Term Annual Erosion Shoreline Change Rates updated through 1986-1992" and approved by the Coastal Resources Commission on July 29, 1988 September 27, 1996 (except as such rates may be varied in individual contested cases, declaratory or interpretive rulings). The tables maps are available without cost from any local permit officer or the Division of Coastal Management; and

- (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to the recession line that would be generated by a storm having a one percent chance of being equaled or exceeded in any given year.
- (2) The High Hazard Flood Area. This is the area subject to high velocity waters (including, but not limited to, hurricane wave wash) in a storm having a one percent chance of being equaled or exceeded in any given year, as identified as zone V1-30 on the flood insurance rate maps of the Federal Insurance Administration, U.S. Department of Housing and Urban Development. ~~In the absence of these rate maps, other available base flood elevation data prepared by a federal, state, or other source may be used, provided said data source is approved by the CRC.~~
- (3) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area shall extend landward from the mean low water line a distance sufficient to encompass that area within which the inlet will, based on statistical analysis, migrate, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet (such as an unusually narrow barrier island, an unusually long channel feeding the inlet, or an overwash area), and external influences such as jetties and channelization. The areas identified as suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference without future changes and are hereby designated as Inlet Hazard Areas except that the Cape Fear Inlet Hazard Area as shown on said map shall not extend northeast of the Baldhead Island marina entrance channel. In all cases, this area shall be an extension of the adjacent ocean erodible area and in no case shall the width of the inlet hazard area be less than the

width of the adjacent ocean erodible area. This report is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Coastal Management, 2728 Capital Boulevard, Raleigh, North Carolina. Small scaled photo copies are available at no charge.

- (4) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable natural vegetation is present may be designated as an unvegetated beach area on either a permanent or temporary basis:
 - (a) An area appropriate for permanent designation as an unvegetated beach area is a dynamic area that is subject to rapid unpredictable landform change from wind and wave action. The areas in this category shall be designated following detailed studies by the Coastal Resources Commission. These areas shall be designated on maps approved by the Commission and available without cost from any local permit officer or the Division of Coastal Management.
 - (b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event may be designated as an unvegetated beach area for a specific period of time. At the expiration of the time specified by the Commission, the area shall return to its pre-storm designation. Areas appropriate for such designation are those in which vegetation has been lost over such a large land area that extrapolation of the vegetation line under the procedure set out in Rule .0305(e) of this Section is inappropriate.

The Commission designates as temporary unvegetated beach areas those oceanfront areas in New Hanover, Pender, Carteret and Onslow Counties in which the vegetation line as shown on aerial photography dated August 8, 9, and 17, 1996, was destroyed as a result of Hurricane Fran on September 5, 1996. This designation shall continue until such time as stable, natural vegetation has reestablished or until the area is permanently designated as an unvegetated beach area pursuant to Sub-Item 4(a) of this Rule.

History Note: Authority G.S. 113A-107; 113A-113; 113A-124; Eff. September 9, 1977; Amended Eff. December 1, 1993; November 1, 1988; September 1, 1986; December 1, 1985; Temporary Amendment Eff. October 10, 1996; Amended Eff. April 1, 1997.

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

.0113 BIG GAME KILL REPORTS

The carcass of each bear, wild turkey, and deer (except ~~antlerless~~ antlerless deer harvested on areas in the Deer Management Assistance Program as described in G.S. 113-291.2(e)) ~~and wild boar~~ shall be tagged at the site of the kill with the appropriate big game tag which has been validated by cutting out the month and day of the kill.

All harvested bear, deer, wild turkey, and wild boar must be registered at a wildlife cooperater agent or reported through the toll free Big Game Telephone Reporting System, before they are skinned or dressed or dismembered for consumption except in those cases where the kill occurs in a remote area which prevents the animal from being transported as an entire carcass. In these cases, the carcass may be tagged, skinned, quartered, and transported to the wildlife cooperater agent for reporting or reported within 24 hours through the Big Game Telephone Reporting System. A wildlife cooperater agent located within the immediate area of open season will supply a big game kill report card in duplicate or an authorization number may be obtained through the Big Game Telephone Reporting System. The report card must shall be completed to show the information called for thereon. ~~All wild turkey must be registered through the toll free Big Game Telephone Reporting System, before they are skinned or dressed or dismembered for consumption.~~ The tag shall be affixed to the carcass at

a location and in such manner as to be visible upon inspection from the outside, and it is unlawful to affix the tag at any location or in any manner so as to conceal it from visibility upon ordinary inspection. It is unlawful to remove the tag from the carcass prior to the kill being properly reported either through completion of the report card or through the Big Game Telephone Reporting System or at any time thereafter until the carcass is finally skinned or dressed for consumption. The authorization number given through the Big Game Telephone Reporting System or the duplicate copy of the big game kill report card must be retained by the hunter and shall thereafter constitute his permit to continue in possession of the carcass. Otherwise, the continued possession of the bear, wild turkey, deer or wild boar shall be unlawful.

Persons who are by law exempt from the big game hunting license are not required to tag the carcass but shall report each kill as above required, and, in lieu of the tag, the word "exempt" together with the reason therefor (parent's license, landowner, agricultural lessee) shall be written on the original of the big game kill report card.

Any big game tag which has been detached from the tag card issued with the big game license prior to the killing and tagging of the big game animal may shall be seized by a wildlife enforcement ~~officer~~ officer, if there is evidence of prior use.

History Note: Authority G.S. 113-134; 113-270.3; 113-276.1; Eff. February 1, 1976; Amended Eff. July 1, 1997; July 1, 1995; July 1, 1994; July 1, 1993; July 1, 1989.

CHAPTER 12 - PARKS AND RECREATION AREA RULES

SUBCHAPTER 12B - PARKS AND RECREATION AREAS

SECTION .1200 - MISCELLANEOUS

.1206 FEES AND CHARGES

The following fee schedule shall apply at all state parks, parkways, state lakes, state recreation areas, and natural areas under the stewardship of the Department, except for the N.C. Zoological Park. Payment of the appropriate fee shall be a prerequisite for the use of the public service facility or convenience provided. Unless otherwise provided in this Rule, the number of persons camping at a particular campsite may be limited by the park superintendent depending upon the size of the camping group and the size and nature of the campsite. Any senior citizen (person 62 or older) registering for a campsite will receive the discounted senior citizens rate.

TYPE OF FACILITY OR CONVENIENCE

FEE

(1) CAMPING

- (a) Campsites with electrical hookups, picnic table, table, and grill. Water, restrooms, and shower facilities also available. \$ 17.00 (per campsite daily)
\$ 14.00 (senior citizens daily, 62 or older)
- (b) Campsites with picnic table and grill. Water, restrooms, and shower facilities also available. \$ 12.00 (per campsite daily)
\$ 10.00 (senior citizens daily, 62 or older)
- (c) Primitive, unimproved campsites with pit privies. \$ 8.00 (per campsite, daily)

APPROVED RULES

Fresh water also available.

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------|--|---|--------------|--------------------------------|----------|-------------------------|----------|--------------------------|--------------------|-------------------------|-----------|----------------------|-----------|------------------------------|-----------|---------------------|--------------|--------------------------------|----------|--------------------------------|----------|---------------------------|----------|--------------------------|--------------------|-------------------------|-----------|--------------------------------|--|--------------------------------|--|--|
| (d) | <u>Primitive group tent camping, unimproved campsites with pit privies.</u> | \$ 1.00 (per person, with \$8.00 minimum) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (e) | <u>Improved Group Camping (water, restrooms and shower facilities available.</u> | \$ 35.00 (per day/maximum capacity 35)
\$ 90.00 (per day/maximum capacity 100) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (f) | <u>Group Lodge</u>
<u>William B. Umstead State Park</u> | \$ 30.00 (per day/maximum 25 people) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (g) | <u>Group Camps</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (i) <u>William B. Umstead State Park</u> | <table border="0"> <tr> <td><u>Daily</u></td> <td><u>April, May, Sept., Oct.</u></td> </tr> <tr> <td>\$ 30.00</td> <td><u>One Unit per day</u></td> </tr> <tr> <td>\$ 75.00</td> <td><u>Mess Hall per day</u></td> </tr> <tr> <td><u>Weekly Only</u></td> <td><u>June thru August</u></td> </tr> <tr> <td>\$ 375.00</td> <td><u>Camp Crabtree</u></td> </tr> <tr> <td>\$ 375.00</td> <td><u>Camp Whispering Pines</u></td> </tr> <tr> <td>\$ 425.00</td> <td><u>Camp Lapihio</u></td> </tr> <tr> <td><u>Daily</u></td> <td><u>April, May, Sept., Oct.</u></td> </tr> <tr> <td>\$ 95.00</td> <td><u>Camp Ipecac or Loblolly</u></td> </tr> <tr> <td>\$ 40.00</td> <td><u>Cabin Unit per day</u></td> </tr> <tr> <td>\$ 75.00</td> <td><u>Mess Hall per day</u></td> </tr> <tr> <td><u>Weekly Only</u></td> <td><u>June thru August</u></td> </tr> <tr> <td>\$ 390.00</td> <td><u>Camp Ipecac or Loblolly</u></td> </tr> <tr> <td></td> <td><u>Nov., Dec., Feb., March</u></td> </tr> <tr> <td></td> <td><u>Camp Loblolly available at Weekly or daily rates.</u></td> </tr> </table> | <u>Daily</u> | <u>April, May, Sept., Oct.</u> | \$ 30.00 | <u>One Unit per day</u> | \$ 75.00 | <u>Mess Hall per day</u> | <u>Weekly Only</u> | <u>June thru August</u> | \$ 375.00 | <u>Camp Crabtree</u> | \$ 375.00 | <u>Camp Whispering Pines</u> | \$ 425.00 | <u>Camp Lapihio</u> | <u>Daily</u> | <u>April, May, Sept., Oct.</u> | \$ 95.00 | <u>Camp Ipecac or Loblolly</u> | \$ 40.00 | <u>Cabin Unit per day</u> | \$ 75.00 | <u>Mess Hall per day</u> | <u>Weekly Only</u> | <u>June thru August</u> | \$ 390.00 | <u>Camp Ipecac or Loblolly</u> | | <u>Nov., Dec., Feb., March</u> | | <u>Camp Loblolly available at Weekly or daily rates.</u> |
| <u>Daily</u> | <u>April, May, Sept., Oct.</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 30.00 | <u>One Unit per day</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 75.00 | <u>Mess Hall per day</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Weekly Only</u> | <u>June thru August</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 375.00 | <u>Camp Crabtree</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 375.00 | <u>Camp Whispering Pines</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 425.00 | <u>Camp Lapihio</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Daily</u> | <u>April, May, Sept., Oct.</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 95.00 | <u>Camp Ipecac or Loblolly</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 40.00 | <u>Cabin Unit per day</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 75.00 | <u>Mess Hall per day</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Weekly Only</u> | <u>June thru August</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| \$ 390.00 | <u>Camp Ipecac or Loblolly</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>Nov., Dec., Feb., March</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>Camp Loblolly available at Weekly or daily rates.</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (ii) <u>Singletary Lake State Park</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (2) | <u>Cabins (not available Dec. - Feb.) (reservation only at Hanging Rock State Park and Morrow Mountain State Park.)</u> | \$ 300.00 (per week only from June to Labor Day)
\$ 320.00 (per week only from June to Labor Day, with swimming privileges)
\$ 60.00 (per day - rest of year) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (3) | <u>SWIMMING/BATHHOUSE</u> | \$ 3.00 (per adult, age 13 and over)
\$ 2.00 (per child, ages 3-12) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (4) | <u>BOAT RAMPS</u> | \$ 4.00 (per boat) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (5) | <u>ROWBOAT/CANOE RENTAL</u> | \$ 3.00 (for first hour)
\$ 1.00 (for each additional hour) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (6) | <u>PICNIC SHELTER RENTAL</u>
(by reservation only) | \$ 20.00 (1-2 tables)
\$ 35.00 (3-4 tables)
\$ 50.00 (5-8 tables)
\$ 75.00 (9-12 tables) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (7) | <u>ADMISSION FEE (Jordan and Falls only)</u> | \$ 4.00 (per car)
\$ 3.00 (per car-senior citizens 62 or older)
\$ 10.00 (per bus)
\$ 30.00 (for 10 daily passes) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (8) | <u>HAMMOCKS BEACH FERRY</u> | \$ 2.00 (per adult, age 13 and over)
\$ 1.00 (per child, ages 6-12) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (9) | <u>COMMUNITY BUILDINGS</u> | \$ 125.00 (per day includes 20 car passes where appropriate) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (10) | <u>SPECIAL ACTIVITY PERMIT</u> | \$ 25.00 (permit fee plus any additional appropriate charges) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (11) | <u>CATCH AND RELEASE FISHING</u>
(Stone Mountain State Park) | \$ 12.00 per day per section | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| (12) | <u>SLIP RENTAL AND OTHER FEES FOR THE CAROLINA BEACH STATE PARK MARINA (All slip rental fees shall be paid in full at the time the lease is executed.)</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (a) <u>Transient, overnight dockage (no longer than 14 consecutive days in any 30 day period.)</u> | \$ 16.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

(b)	<u>Slip Rental (Fees charged according to term of lease and vessel size.)</u>	
	<u>25 feet and smaller</u>	\$ 150.00
	<u>26 feet to 35 feet</u>	\$ 226.00
	<u>36 feet to 42 feet</u>	\$ 263.00
	<u>43 feet to 45 feet</u>	\$ 300.00
(c)	<u>Six month lease</u>	
	<u>(runs 183 days from date executed)</u>	
	<u>25 feet and smaller</u>	\$ 720.00
	<u>26 to 35 feet</u>	\$ 1080.00
	<u>36 to 42 feet</u>	\$ 1260.00
	<u>43 feet to 45 feet</u>	\$ 1440.00
(d)	<u>Twelve month lease</u>	
	<u>(runs 365 days from date executed)</u>	
	<u>25 feet and smaller</u>	\$ 1080.00
	<u>26 to 35 feet</u>	\$ 1620.00
	<u>36 feet to 42 feet</u>	\$ 1890.00
	<u>43 feet to 45 feet</u>	\$ 2160.00
(e)	<u>Boat Launching Fee</u>	\$ 4.00
(f)	<u>Holding Tank Pump Out</u>	\$ 10.00
(g)	<u>Battery Charging Service</u>	\$ 3.00

History Note: Authority G.S. 113-35(b);
Eff. April 1, 1997.

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

**SECTION .0100 - HANDLING: PACKING:
REPACKING: AND SHIPPING OF
CRUSTACEA AND CRUSTACEA MEAT**

.0173 REPACKING

(a) Crustacea meat for repacking shall be which is processed in a North Carolina crustacea facility shall permitted in compliance comply with Rules .0134 through .0182 .0187 of this Section. Crustacea meat for repacking which is processed outside of North Carolina shall comply with Rule .0182 of this Section. Quarterly bacteriological reports shall be provided to the Division by the repacker of all foreign crustacea meat for repacking.

(b) ~~The repacker shall have a written agreement with each facility which provides crustacea meat for repacking. The Division shall be provided a copy of this written agreement provide the Division a current written list of all sources of crustacea meat used for repacking.~~

(e) ~~Crustacea meat for repacking shall be repacked within 48 hours of the original packing.~~

(d) ~~Crustacea meat for repacking shall be in compliance with the following:~~

- (1) ~~Packed in original container or in a single service container labeled "For Repacking Only";~~
- (2) ~~Identified with original packer's certification number and code date; and~~
- (3) ~~iced and cooled to 40° F (4.4° C) or below within two hours of receipt in packing room.~~

(e) ~~Shipping of crustacea meat for repacking shall be in compliance with the following:~~

- (1) ~~Vehicles used to transport crustacea meat for repacking shall be mechanically refrigerated, enclosed, tightly constructed and equipped with an operating thermometer.~~
- (2) ~~Crustacea meat for repacking shall be stored and transported between 33° F (0.5° C) and 40° F (4.4° C).~~
- (3) ~~The interior shipping compartment of the vehicle shall be cleaned prior to shipment of crustacea meat for repacking.~~
- (4) ~~The shipment shall consist only of processed and packaged crustacea meat.~~
- (5) ~~Vehicles shall be approved as part of the facility certification.~~

(c) (f) ~~Repacking of crustacea meat:~~

- (1) ~~Crustacea meat shall not exceed 45° F (7.1° C) during the repacking process.~~
- (2) ~~Repacking shall be conducted separately by time or space from the routine crustacea meat picking and packing process.~~
- (3) ~~The food contact surfaces and utensils utilized in the repacking process shall be cleaned and sanitized prior to repacking and thereafter on 30 minute intervals during repacking.~~
- (4) ~~Repacked crustacea meat shall be maintained at or below between 33° F (0.5° C) and 40° F (4.4° C).~~
- (5) ~~Blending or combining of any of the following shall be prohibited:~~
 - (A) ~~Fresh crustacea meat.~~

- (B) Frozen crustacea meat.
- (C) Pasteurized crustacea meat.
- (D) Crustacea meat packed in another facility.
- (6) Crustacea meat shall not be repacked more than one time.
- (7) All empty containers shall be rendered unusable.
- (d) ~~(g)~~ Labeling of repacked crustacea meat:
 - (1) Each container shall be legibly embossed, impressed or lithographed with the repacker's or the distributor's name and address.
 - (2) Each container shall be legibly embossed, impressed or lithographed with the repacker's certification number followed by the letters "RP."
 - (3) Each container shall be permanently and legibly identified with a code indicating the repack date.
 - (4) Each container shall be sealed so that tampering can be detected.
 - (5) Each container of thawed crustacea meat which has been repacked shall be labeled as "Previously Frozen" or equivalent.
 - (6) Each container of pasteurized crustacea meat which has been repacked shall be labeled as "Previously Pasteurized" or equivalent.
 - (7) Each container of foreign crustacea meat which has been repacked shall be labeled in accordance with Federal labeling requirements.

(e) ~~(h)~~ Repacked crustacea meat shall meet bacteriological and contamination standards in Rule .0182 of this Section.

(f) ~~(i)~~ Records shall be kept for all purchases of crustacea meat for repacking and sales of repacked meat for one year. The records shall be available for inspection by the Division.

History Note: Authority G.S. 130A-230; Eff. October 1, 1992; Amended Eff. April 1, 1997.

SECTION .0300 - SANITATION OF SHELLFISH - GENERAL

.0302 PERMITS

(a) No person shall operate any of the following facilities without a permit issued by the Division:

- (1) Depuration facilities;
- (2) Shellstock plants;
- (3) Shucking and packing plants;
- ~~(4) Wet storage areas;~~
- (4) ~~(5)~~ Repacking plants.

(b) No person shall operate as a shellstock dealer without a permit issued by the Division.

(c) A permit may be issued to a reshipper when required for out of state shipment.

(d) Approval for wet storage of shellstock shall be granted only to persons permitted pursuant to this Rule.

(e) ~~(4)~~ Application for a permit shall be submitted in writing to the Division at the Shellfish Sanitation Office,

Fisheries Building, Arendell Street, Morehead City, North Carolina, 28557. Application forms are available from the Division.

(f) ~~(e)~~ No permit shall be issued by the Division until an inspection shows that the facilities and equipment comply with all applicable rules of this Subchapter.

(g) ~~(f)~~ All permits shall be posted in a conspicuous place in the facilities. All permits shall expire on April 30 of each year.

(h) ~~(g)~~ Plans and specifications for proposed new construction or remodeling shall be submitted to the Division for review and approval.

(i) ~~(h)~~ A permit may be revoked or suspended pursuant to G.S. 130A-23.

History Note: Authority G.S. 130A-230; Eff. February 1, 1987; Amended Eff. April 1, 1997.

SECTION .0600 - OPERATION OF SHELLFISH SHUCKING AND PACKING PLANTS AND REPACKING PLANTS

.0617 SHIPPING

(a) Shucked shellfish shall be stored and shipped at ~~temperatures between 32°-40°F (0°-4°C).~~ 40° F (4° C) or below.

(b) Shipments shall be tagged or labeled to show the name and address of the consignee, the name and address of the shipper, the name of the state or territory of origin, and the permit number of the shipper.

History Note: Authority G.S. 130A-230; Eff. February 1, 1987; Amended Eff. April 1, 1997.

TITLE 16 - DEPARTMENT OF PUBLIC EDUCATION

CHAPTER 7 - NORTH CAROLINA STANDARDS BOARD FOR PUBLIC SCHOOL ADMINISTRATION

SECTION .0100 - CERTIFICATION

.0101 DEFINITIONS

(a) Charter School. - A public charter school approved by the SBE within an LEA:

- (1) consisting of at least 65 students and at least 3 teachers;
- (2) operated by a private nonprofit corporation which is nonsectarian in its programs, admission policies, employment practices, and all other operations and which does not charge tuition; and
- (3) meets student performance standards adopted by the SBE.

- (b) IHE. - Institution of Higher Education.
- (c) LEA. - Local Education Agency.
- (d) NCAC. - North Carolina Administrative Code.
- (e) SBE. - The North Carolina State Board of Education.
- (f) School. - An organizational subdivision of a school

system:

- (1) consisting of 100 or more students in average daily membership (ADM), or staffed by a minimum seven full-time teachers (or the equivalent);
- (2) composed of one or more grade groups;
- (3) organized as one unit with an assigned principal, or person acting in the capacity of a principal; and
- (4) housed in a school plant of one or more buildings.

*History Note: Authority G.S. 115C-290.5(a)(6);
Eff. January 1, 1998.*

.0102 GENERAL INFORMATION

(a) An applicant to the Standards Board shall provide a statement from the dean, department chair, or person designated by the dean or department chair, of the approved IHE where preparation was completed that the individual has satisfied the educational requirements of G.S. 115C-290.7(a)(3).

(b) The Standards Board shall evaluates each application and its supporting documentation and shall notify each applicant of the action it takes.

*History Note: Authority G.S. 115C-290.5(a)(6);
Eff. January 1, 1998.*

.0103 EXEMPTIONS FROM CERTIFICATION

REQUIREMENTS OF THE STANDARDS BOARD

The following shall fulfill the condition of having been "engaged in school administration" pursuant to G.S. 115C-290.8:

- (1) employment, in any position included in the definition of school administrator provided in G.S. 115C-290.2(3), in any of the following institutions:
 - (a) a public school or LEA in North Carolina.
 - (b) a public charter school in North Carolina.
 - (c) a pre-K-12 school in North Carolina operated by the State Department of Human Resources.
 - (d) a pre-K-12 school in North Carolina operated by the State Department of Correction.
 - (e) a pre-K-12 school in North Carolina operated by the United States Government.
 - (f) a non-public pre-K-12 school or group of schools in North Carolina accredited by the National Council For Private School Accreditation or the International Christian Accrediting Association.
- (2) employment in a public school supervisor's or director's position in which there is a major responsibility to teach or directly supervise teaching.

*History Note: Authority G.S. 115C-290.5(a)(6);
Eff. January 1, 1998.*

TITLE 21 - OCCUPATIONAL LICENSING BOARDS

CHAPTER 58 - REAL ESTATE COMMISSION

SUBCHAPTER 58A - REAL ESTATE BROKERS AND SALESMEN

SECTION .0100 - GENERAL BROKERAGE

.0104 AGENCY AGREEMENTS AND DISCLOSURE

(a) Every listing agreement, buyer agency agreement or other agreement for brokerage services in a real estate sales transaction shall be in writing, shall provide for its existence for a definite period of time and shall provide for its termination without prior notice at the expiration of that period.

(b) Every listing agreement, buyer agency agreement or other agreement for brokerage services in a real estate sales transaction shall contain the following provision: The broker shall conduct all his brokerage activities in regard to this agreement without respect to the race, color, religion, sex, national origin, handicap or familial status of any buyer, prospective buyer, seller or prospective seller. The provision shall be set forth in a clear and conspicuous manner which shall distinguish it from other provisions of the agreement. For the purposes of this Rule, the term, familial status, shall be defined as it is in G.S. 41A-3(1b).

(c) Every listing agreement, buyer agency agreement or other agreement for brokerage services in a real estate sales transaction shall incorporate the "Description of Agent Duties and Relationships" prescribed by the Commission which shall be set forth in a clear and conspicuous manner and shall not include or be accompanied by any additional text which contradicts its meaning and substance. The "Description of Agent Duties and Relationships" shall read as follows:

DESCRIPTION OF AGENT DUTIES AND RELATIONSHIPS

Before you begin working with any real estate agent, you should know who the agent represents in the transaction. Every listing agreement, buyer agency agreement or other agreement for brokerage services in a real estate sales transaction in North Carolina must contain this "Description of Agent Duties and Relationships" [N.C. Real Estate Commission Rule 21 NCAC 58A .0104(c), eff. 7/1/95]. Real estate agents should carefully review this information with you prior to entering into any agency agreement.

AGENTS' DUTIES

When you contract with a real estate firm to act as your agent in a real estate transaction, the agent must help you obtain the best price and terms possible, whether you are the buyer or seller. The agent also owes you the duty to:

- Safeguard and account for any money handled for you
- Be loyal and follow reasonable and lawful instructions
- Act with reasonable skill, care and diligence
- Disclose to you any information which might influence your decision to buy or sell

Even if the agent does not represent you, the agent must still be fair and honest and disclose to you all "material facts" which the agent knows or reasonably should know. A fact is "material" if it relates to defects or other conditions affecting the property, or if it may influence your decision to buy or sell. This does not require a seller's agent to disclose to the buyer the minimum amount the seller will accept, nor does it require a buyer's agent to disclose to the seller the maximum price the buyer will pay.

AGENTS WORKING WITH SELLERS

A seller can enter into a "listing agreement" with a real estate firm authorizing the firm and its agent(s) to represent the seller in finding a buyer for his property. The listing agreement should state what the seller will pay the listing firm for its services, and it may require the seller to pay the firm no matter who finds the buyer.

The listing firm may belong to a listing service to expose the seller's property to other agents who are members of the service. Some of those agents may be working with buyers as buyers' agents; others will be working with buyers but still representing the sellers' interests as a agent or "subagent." When the buyer's agents and seller's subagents desire to share in the commission the seller pays to the listing firm, the listing agent may share the commission with the seller's permission.

AGENTS WORKING WITH BUYERS

A buyer may contract with an agent or firm to represent him (as a buyer's agent), or may work with an agent or firm that represents the seller (as a seller's agent or subagent). All parties in the transaction should find out at the beginning who the agent working with the buyer represents.

If a buyer wants a buyer's agent to represent him in purchasing a property, the buyer should enter into a "buyer agency agreement" with the agent. The buyer agency agreement should state how the buyer's agent will be paid. Unless some other arrangement is made which is satisfactory to the parties, the buyer's agent will be paid by the buyer. Many buyer agency agreements will also obligate the buyer to pay the buyer's agent no matter who finds the property that the buyer purchases.

A buyer may decide to work with a firm that is acting as agent for the seller (a seller's agent or subagent). If a buyer does not enter into a buyer agency agreement with the firm that shows him properties, that firm and its agents will show the buyer properties as an agent or subagent working on the seller's behalf. Such a firm represents the seller (not the buyer) and must disclose that fact to the buyer.

A seller's agent or subagent must still treat the buyer fairly and honestly and disclose to the buyer all material facts which the agent knows or reasonably should know. The seller's agent typically will be paid by the seller. If the agent is acting as agent for the seller, the buyer should be careful not to give the agent any information that the buyer does not want the seller to know.

DUAL AGENTS

A real estate agent or firm may represent more than one party in the same transaction only with the knowledge and consent of all parties for whom the agent acts. "Dual Agency" is most likely to occur when a buyer represented by a buyer's agent wants to purchase a property listed by that agent's firm. A dual agent must carefully explain to each party that the agent and the agent's firm are also acting for the other party.

In any dual agency situation, the agent must obtain a written agreement from the parties which fully describes the obligations of the agent and the agent's firm to each of them.

Immediately after the "Description of Agent Duties and Relationships", every listing and buyer agency agreement shall contain the following provision, including a box which the agent shall check when the provision is applicable: " This firm represents both sellers and buyers. This means that it is possible that a buyer we represent will want to purchase a property owned by a seller we represent. When that occurs, the agent and firm listed above will act as dual agents if all parties agree."

(d) A broker or brokerage firm representing one party in a transaction shall not undertake to represent another party in the transaction without the express, written authority of each party.

(e) In every real estate sales transaction, a broker or salesman working directly with a prospective buyer as a seller's agent or subagent shall disclose to the prospective buyer at the first substantial contact with the prospective buyer that the broker or salesman represents the interests of the seller. The broker or salesman shall make the disclosure on the "Disclosure to Buyer from Seller's Agent or Subagent" form prescribed by the Commission. If the first substantial contact occurs by telephone or by means of other electronic communication where it is not practical to provide written disclosure, the broker or salesman shall immediately disclose by similar means whom he represents and shall immediately, but in no event later than three days from the date of first substantial contact, mail or otherwise transmit a copy of the form to the buyer.

(f) In every real estate sales transaction, a broker or salesman representing a buyer shall, at the initial contact with the seller or seller's agent, disclose to the seller or seller's agent that the broker or salesman represents the buyer's interests. In addition, in every real estate sales transaction other than auctions, the broker or salesman shall, no later than the time of delivery of an offer to the seller or seller's agent, provide the seller or seller's agent with a written confirmation disclosing that he represents the interests of the buyer. The written confirmation may be made in the buyer's offer to purchase.

(g) The provisions of Paragraphs (c), (d) and (e) of this Rule shall not apply to real estate licensees representing sellers in auction sales transactions.

(h) A broker or salesman representing a buyer in an auction sale transaction shall, no later than the time of execution of a written agreement memorializing the buyer's contract to purchase, provide the seller or seller's agent with a written confirmation disclosing that he represents the interests of the buyer. The written confirmation may be made in the written agreement.

(i) A firm which represents both the buyer and the seller in the same real estate sales transaction is a dual agent and through the brokers and salesmen associated with the firm shall disclose its dual agency to the buyer and seller.

(j) When a firm represents both the buyer and seller in the same real estate sales transaction, the firm may, with the prior written approval of its buyer and seller clients, designate one or more individual brokers or salesmen associated with the firm to represent only the interests of the seller and one or more other individual brokers and salesmen associated with the firm to represent only the interests of the buyer in the transaction. An individual broker or salesman shall not be so designated and shall not undertake to represent only the interests of one party if the broker or salesman has actually received confidential information concerning the other party in connection with the transaction. A broker-in-charge shall not act as a designated agent for a party in a real estate sales transaction when a salesman under his supervision will act as a designated agent for another party with a competing interest.

(k) When a firm acting as a dual agent designates an individual broker or salesman to represent the seller, the broker or salesman so designated shall represent only the interest of the seller and shall not, without the seller's permission, disclose to the buyer or a broker or salesman designated to represent the buyer:

- (1) that the seller may agree to a price, terms, or any conditions of sale other than those established by the seller;
- (2) the seller's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about the seller which the seller has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(l) When a firm acting as a dual agent designates an individual broker or salesman to represent the buyer, the broker or the salesman so designated shall represent only the interest of the buyer and shall not, without the buyer's permission, disclose to the seller or a broker or salesman designated to represent the seller:

- (1) that the buyer may agree to a price, terms, or any conditions of sale other than those offered by the buyer;
- (2) the buyer's motivation for engaging in the transaction unless disclosure is otherwise required by statute or rule; and
- (3) any information about the buyer which the buyer has identified as confidential unless disclosure of the information is otherwise required by statute or rule.

(m) A broker or salesman designated to represent a buyer or seller in accordance with Paragraph (b) of this Rule shall disclose the identity of all of the brokers and salesmen so designated to both the buyer and the seller. The disclosure shall take place no later than the presentation of the first offer to purchase or sell.

(n) When an individual broker or salesman represents both the buyer and seller in the same real estate sales transaction pursuant to a written agreement authorizing dual agency, the parties may provide in the written agreement that the broker or salesman shall not disclose the following information about one party to the other without permission from the party about whom the information pertains:

- (1) that a party may agree to a price, terms or any conditions of sale other than those offered;
- (2) the motivation of a party for engaging in the transaction, unless disclosure is otherwise required by statute or rule; and
- (3) any information about a party which that party has identified as confidential, unless disclosure is otherwise required

by statute or rule.

History Note: Authority G.S. 41A-3(1b); 93A-3(c);
 Eff. February 1, 1976;
 Readopted Eff. September 30, 1977;
 Amended Eff. July 1, 1997; August 1, 1996; July 1, 1995; July 1, 1993; July 1, 1989.

CHAPTER 60 - BOARD OF REFRIGERATION
 EXAMINERS

SECTION .0300 - LICENSES AND FEES

.0314 USE OF LICENSE

(a) The licensed contractor shall not permit the use of his license by any other person.

(b) All refrigeration contracting business, including all business advertising and the submission of all documents and papers by a licensee of the Board shall be conducted in the exact name in which the refrigeration contracting license is issued.

(c) Should a licensee terminate his relationship from a company in which his license is issued, work begun prior to such termination may be completed under such conditions as the Board shall direct subject to the following conditions deemed applicable by the Board under the unique facts and circumstances of each instance:

- (1) the percentage of the project completed;
- (2) the time that may elapse before another licensee can be employed for the project;
- (3) the size and complexity of the project;
- (4) the experience and qualifications of remaining personnel;
- (5) any prior disciplinary record the company involved licensees has with the Board;
- (6) the financial accountability of the firm;
- (7) whether or not the remaining firm has any other occupational licenses.

However, no work for which a license is required under G.S. 87-58 may be bid for, contracted for or initiated prior to said company obtaining a license.

History Note: Authority G.S. 87-54; 87-57;
 Eff. December 1, 1993;
 Amended Eff. April 1, 1997; August 1, 1995.

TITLE 26 - OFFICE OF ADMINISTRATIVE
 HEARINGS

CHAPTER 2 - RULES DIVISION

SUBCHAPTER 2C - SUBMISSION PROCEDURES
 FOR RULES AND OTHER DOCUMENTS
 TO BE PUBLISHED IN THE NORTH CAROLINA
 REGISTER AND THE NORTH CAROLINA
 ADMINISTRATIVE CODE

SECTION .0100 - GENERAL

.0103 ORIGINAL AND DUPLICATE COPY

(a) The agency shall submit an original and one copy of any document and form for publication in the Register or Code.

(b) The agency shall include an additional copy of the rule and a copy of the fiscal note and attachments with any permanent rule that is submitted to the Commission.

(c) The original and form shall each be permanently marked as the original.

Note: Rules Review Commission requests that documents be submitted in the following order:

- (1) the original submission form;
- (2) the agency return copy of the submission form, if any;
- (3) ~~(2)~~ the copy ~~or copies~~ of the submission form;
- (4) ~~(3)~~ the original of the rule;
- (5) ~~(4)~~ the copy, highlighted if required by Rule .0405 of this Subchapter;
- (6) ~~(5)~~ the agency return copy of the rule, if any;
- (7) the copy of the fiscal note and attachments;
- (8) ~~(6)~~ the remaining copy for RRC.

History Note: Authority G.S. 150B-21.17; 150B-21.18; 150B-21.19;
 Temporary Adoption Eff. November 1, 1995;
 Eff. April 1, 1996;
 Amended Eff. April 1, 1997.

SECTION .0300 - THE NORTH CAROLINA
 REGISTER

.0307 OTHER NOTICES FOR PUBLICATION

(a) OAH may publish any document or notice that is not statutorily required if an agency submits a written request. Factors OAH shall use in determining whether to grant the request are:

- (1) degree of disruption to OAH publication and work schedule; and
- (2) degree of benefit to the public.

(b) OAH shall charge the agency thirty dollars (\$30.00) per published page.

History Note: Authority G.S. 150B-21.17(6); 150B-19(5)(a); 150B-21.25;
 Eff. April 1, 1997.

SECTION .0400 - NORTH CAROLINA
 ADMINISTRATIVE CODE

.0401 SCOPE

(a) The rules in this Section set forth the requirements for submitting rules for inclusion in the Code. The agency shall also comply with the requirements in Sections .0100 - .0200 of this Subchapter.

(b) These Rules apply to agencies subject to G.S. 150B, Article 2A, as well as those agencies subject to G.S. 150B-21.21(a) and (b).

History Note: Authority G.S. 150B-21.17; 150B-21.18; 150B-21.19;

Eff. April 1, 1996;

Amended Eff. April 1, 1997.

SECTION .0500 - TEMPORARY RULES

.0502 PUBLICATION OF A TEMPORARY RULE

The agency shall submit a temporary rule for review by OAH and publication in the Code with the following:

- (1) An original Temporary Rule Certification form

and copy (Rule .0503 of this Section).

- (2) An original and copies of the temporary rule (Rule .0103 of this Subchapter) prepared in accordance with Rule .0108 of this Subchapter, containing:

- (a) an introductory statement (Rule .0404 of this Subchapter);
- (b) the body of the rule (Rule .0405 of this Subchapter);
- (c) the history note (Rule .0406 of this Subchapter).

- (3) A return copy, if desired (Rule .0104 of this Subchapter).

- (4) An original Notice of Text or Notice of Text and Hearing form with copy if publication in the Register shall serve as Notice of Text.

History Note: Authority G.S. 150B-21.19;

Temporary Adoption Eff. November 1, 1995;

Eff. April 1, 1996;

Amended Eff. April 1, 1997.

The List of Rules Codified is a listing of rules that were filed with OAH in the month indicated and have been entered into the Code.

Key:

- Citation = Title, Chapter, Subchapter and Rule(s)
- AD = Adopt
- AM = Amend
- RP = Repeal
- With Chgs = Final text differs from proposed text
- Corr = Typographical errors or changes that requires no rulemaking
- Temp. = Rule was filed as a temporary rule
- Eff. Date = Date rule becomes effective

NORTH CAROLINA ADMINISTRATIVE CODE

DECEMBER 96

TITLE	DEPARTMENT	TITLE	DEPARTMENT
1	Administration	15A	Environment, Health, and Natural Resources
7	Cultural Resources		
10	Human Resources	19A	Transportation
11	Insurance		

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
1 NCAC 39 .0101		✓					01/01/97
.0201		✓					01/01/97
7 NCAC 5 .0203		✓				✓	01/01/97
10 NCAC 3B .1001 - .1002	✓					✓	12/20/96
3R .3103		✓					01/01/97
26B .0123		✓				✓	01/09/97
26H .0506		✓				✓	01/09/97
recodified to 41P .0001 - .0013							12/06/96
41P .0101 - .0113							
.0102		✓					01/01/97
.0105		✓					01/01/97
recodified to 49A .0001 - .0003							01/01/97
49A .0101 - .0103							
11 NCAC 6B .0101 - .0107			✓				01/01/97
15A NCAC 1M .0101 - .0102			✓			✓	01/07/97
.0201 - .0202			✓			✓	01/07/97

LIST OF RULES CODIFIED

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
15A NCAC 1M .0301 - .0306			✓			✓	01/07/97
recodified to 3I .0001 - .0019							12/17/96
3I .0101 - .0119							
recodified to 3R .0001 - .0011							12/17/96
3R .0101 - .0111							
recodified to 6E .0001 - .0008							12/20/96
6E .0101 - .0108							
7H .0305		✓		✓			01/01/97
8F .0101 - .0102	✓					✓	01/07/97
.0201 - .0203	✓					✓	01/07/97
.0301	✓					✓	01/07/97
.0401 - .0407	✓					✓	01/07/97
.0501 - .0506	✓					✓	01/07/97
recodified to 13A .0001 - .0019							12/20/96
13A .0101 - .0119							
18A .1937 - .1938		✓				✓	01/20/97
.1958		✓				✓	01/20/97
.1961		✓				✓	01/20/97
19A NCAC 3E .0401		✓					04/30/97
.0510		✓					04/30/97

The following is a list of rules approved by the Rules Review Commission from May 1996 through December 1996. These rules are pending review during the 1997 Regular Session of the General Assembly to convene on January 29, 1997. Statutory Reference G.S. 150B-21.3(b).

K_{ey}:

- Citation = Title, Chapter, Subchapter and Rule(s)
- AD = Adopt
- AM = Amend
- RP = Repeal
- With Chgs = Final text differs from proposed text
- Corr = Typographical errors or changes that requires no rulemaking
- Temp. = Rule was filed as a temporary rule
- Eff. Date = Date rule becomes effective

**APPROVED RULES
PENDING LEGISLATIVE SESSION**

JANUARY 1997

TITLE	DEPARTMENT	TITLE	DEPARTMENT
2	Agriculture	19A	Transportation
4	Commerce	21	Occupational Licensing Boards
7	Cultural Resources		12 - General Contractors
10	Human Resources		58 - Real Estate Commission
11	Insurance		60 - Refrigeration Examiners
15A	Environment, Health, and Natural Resources		63 - Certification Board for Social Work
16	Public Education	23	Community Colleges
17	Revenue	26	Administrative Hearings

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
2 NCAC 9C .0701 - .0702		✓					03/02/97
.0704			✓				03/02/97
48A .1103		✓		✓			03/02/97
.1110		✓		✓			03/02/97
48B .0112		✓					03/02/97
.0114		✓					03/02/97
.0119		✓					03/02/97
.0120		✓		✓			03/02/97
52B .0201		✓					03/02/97
4 NCAC 12C .0007			✓				04/01/97
7 NCAC 5 .0202 - .0203		✓					04/01/97
7 NCAC 5 .0204			✓				04/01/97

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
			.0207		✓					04/01/97
10	NCAC	3R	.3001		✓		✓			04/01/97
			.3010		✓					04/01/97
			.3020		✓		✓			04/01/97
			.3032		✓		✓			04/01/97
			.3040		✓		✓			04/01/97
			.3050		✓		✓			04/01/97
	3U		.0102		✓		✓			04/01/97
			.0704		✓		✓			04/01/97
			.0710		✓		✓			04/01/97
			.2701 - .2704	✓			✓			04/01/97
	20B		.0204 - .0205		✓		✓			04/01/97
			.0206		✓					04/01/97
			.0208 - .0210		✓					04/01/97
			.0214		✓					04/01/97
			.0218		✓		✓			04/01/97
			.0222		✓		✓			04/01/97
			.0224		✓					04/01/97
			.0226 - .0227		✓					04/01/97
	20C		.0603		✓					04/01/97
	20D		.0204		✓		✓			07/01/97
	26H		.0602		✓					03/01/97
	41F		.0705		✓		✓			07/01/97
			.0706			✓				04/01/97
			.0707	✓			✓			04/01/97
			.0812			✓				04/01/97
			.0813 - .0814	✓			✓			04/01/97
	41P		.0102		✓		✓			04/01/97
			.0105		✓		✓			04/01/97
			.0106		✓		✓			04/01/97
			.0108 - .0112		✓		✓			04/01/97
10	NCAC	41P	.0113	✓			✓			04/01/97

LIST OF RULES CODIFIED

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
42A .0701	✓						04/01/97
.0702	✓			✓			04/01/97
.0703	✓			✓			04/01/97
42B .1209			✓				05/01/97
.1210 - .1211	✓			✓			05/01/97
.2402 - .2405	✓						05/01/97
42C .2010			✓				05/01/97
.2011 - .2012	✓			✓			05/01/97
.3701	✓						05/01/97
.3702 - .3703	✓						05/01/97
.3704	✓						05/01/97
42D .1409			✓				05/01/97
.1410 - .1411	✓			✓			05/01/97
.1827 - .1830	✓						05/01/97
42V .0201		✓		✓			04/01/97
.0802 - .0803		✓		✓			04/01/97
49A .0102		✓					04/01/97
49B .0202		✓		✓			04/01/97
.0310		✓		✓			04/01/97
.0502							04/01/97
11 NCAC 12 .0551		✓		✓			04/01/97
16 .0703		✓					04/01/97
15A NCAC 2B .0229	✓			✓			04/01/97
.0237	✓			✓			04/01/97
.0315		✓		✓			04/01/97
2D .0518		✓					04/01/97
.0524		✓		✓			04/01/97
.0530		✓					07/01/97
.0902		✓					04/01/97
.0907			✓				04/01/97
.0909		✓					04/01/97
15A NCAC 2D .0910 - .0911			✓				04/01/97

LIST OF RULES CODIFIED

RULE CITATION	AD	AM	RF	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
.0946			✓				04/01/97
.0954		✓		✓			04/01/97
.1110		✓		✓			07/01/97
.1111		✓		✓			04/01/97
.1402 - .1403		✓					04/01/97
2Q .0102		✓		✓			07/01/97
.0104		✓		✓			07/01/97
.0107		✓					07/01/97
.0507		✓					07/01/97
.0512		✓					07/01/97
.0514 - .0515		✓					07/01/97
.0517		✓					07/01/97
3I .0101		✓		✓			04/01/97
.0105		✓		✓			04/01/97
3L .0201		✓		✓			04/01/97
3M .0202		✓					04/01/97
.0503		✓					04/01/97
.0504		✓		✓			04/01/97
.0506		✓					04/01/97
.0511		✓		✓			04/01/97
3R .0106 - .0107		✓					04/01/97
6E .0102 - .0103		✓					04/01/97
7H .0104		✓		✓			04/01/97
.0304		✓		✓			04/01/97
7J .0102		✓					04/01/97
10B .0106		✓		✓			07/01/97
.0113		✓		✓			07/01/97
.0115		✓					03/02/97
.0123		✓					04/01/97
.0203		✓		✓			07/01/97
.0209		✓					07/01/97
15A NCAC 10C .0205		✓		✓			07/01/97

LIST OF RULES CODIFIED

RULE CITATION	AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
.0305		✓		✓			07/01/97
10D .0003		✓		✓			07/01/97
10F .0102 - .0104		✓		✓			03/01/97
.0105		✓					09/01/96
.0105 - .0107		✓		✓			03/01/97
.0109	✓			✓			03/01/97
.0303		✓					03/02/97
.0305		✓					03/02/97
.0307		✓					03/02/97
.0310		✓					03/01/97
.0310		✓					03/02/97
.0348		✓		✓			03/02/97
10G .0102 - .0103			✓				03/02/97
.0202 - .0203			✓				03/02/97
.0206			✓				03/02/97
.0302 - .0303			✓				03/02/97
.0401	✓						03/03/97
.0402 - .0404	✓			✓			03/02/97
.0501	✓			✓			03/02/97
10I .0001			✓				03/02/97
.0002		✓		✓			04/01/97
12B .1206	✓			✓			04/01/97
13C .0301	✓			✓			04/01/97
.0302	✓			✓			04/01/97
.0303	✓			✓			04/01/97
.0304	✓			✓			04/01/97
.0305	✓			✓			04/01/97
.0306	✓			✓			04/01/97
.0307 - .0308	✓			✓			04/01/97
18A .0136 - .0137		✓					04/01/97
.0159		✓					04/01/97
15A NCAC 18A .0169		✓					04/01/97

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
.0173					✓		✓			04/01/97
.0174 - .0175					✓					04/01/97
.0184				✓						04/01/97
.0186				✓						04/01/97
.0302					✓		✓			04/01/97
.0401					✓					04/01/97
.0424 - .0425					✓					04/01/97
.0615 - .0616					✓					04/01/97
.0617					✓		✓			04/01/97
.0620				✓						04/01/97
.1302					✓					04/01/97
.1805					✓					04/01/97
.2601					✓					04/01/97
.2701					✓		✓			04/01/97
16	NCAC	1A	.0001		✓					04/01/97
.0003						✓				04/01/97
7	.0101 - .0103			✓			✓			01/01/98
17	NCAC	1C	.0504		✓					03/01/97
.0506					✓					03/01/97
5C	.2101				✓		✓			04/01/97
7B	.0118				✓					04/01/97
.1602					✓		✓			04/01/97
.1702					✓		✓			04/01/97
.1802					✓		✓			04/01/97
.3103					✓					04/01/97
.3106					✓		✓			04/01/97
.4202					✓					04/01/97
.4501					✓					04/01/97
19A	NCAC	2D	.0425		✓					04/01/97
.1101				✓						04/30/97
.1102				✓			✓			04/30/97
19A	NCAC	2D	.1103 - .1105	✓			✓			04/30/97

LIST OF RULES CODIFIED

RULE CITATION		AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
	.1106 - .1107	✓						04/30/97
	.1108	✓			✓			04/30/97
	.1109 - .1110	✓			✓			04/30/97
	.1111	✓			✓			04/30/97
	.1112	✓						04/30/97
3E	.0501 - .0502		✓		✓			04/30/97
	.0510		✓		✓			04/30/97
	.0511		✓		✓			04/30/97
	.0512 - .0515		✓		✓			04/30/97
	.0518		✓		✓			04/30/97
	.0519		✓					04/30/97
	.0522		✓		✓			04/30/97
6B	.0401 - .0411	✓						04/30/97
	.0412	✓			✓			04/30/97
	.0413 - .0417	✓						04/30/97
21	NCAC 12 .0204		✓					04/01/97
	.0503		✓		✓			04/01/97
58A	.0101		✓					03/01/97
	.0104		✓		✓			07/01/97
	.0105		✓					03/01/97
	.0109 - .0110		✓					03/01/97
	.0503 - .0504		✓					03/01/97
	.1601		✓					03/01/97
60	.0204		✓					04/01/97
	.0207		✓		✓			04/01/97
	.0314		✓		✓			04/01/97
63	.0306		✓		✓			04/01/97
69	.0101	✓						04/01/97
	.0102	✓			✓			04/01/97
	.0103 - .0104	✓						04/01/97
	.0201	✓			✓			04/01/97
21	NCAC 69 .0202	✓						04/01/97

LIST OF RULES CODIFIED

RULE CITATION				AD	AM	RP	WITH CHGS	CORR	TEMP	EFFECTIVE DATE
.0301				✓						04/01/97
.0302 - .0305				✓			✓			04/01/97
.0306				✓			✓			04/01/97
.0307				✓			✓			04/01/97
.0308				✓						04/01/97
.0401 - .0402				✓			✓			04/01/97
.0501				✓			✓			04/01/97
23	NCAC	2D	.0325		✓		✓			03/01/97
		3A	.0113	✓			✓			03/01/97
26	NCAC	2C	.0102		✓					04/01/97
.0103					✓		✓			04/01/97
.0111				✓						04/01/97
.0307				✓			✓			04/01/97
.0401					✓		✓			04/01/97
.0502					✓		✓			04/01/97
3			.0301 - .0305	✓						04/01/97

This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, January 16, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, January 13, 1996, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
 Vernice B. Howard
 Teresa L. Smallwood
 Charles H. Henry
 Philip O. Redwine - Vice Chairman

Appointed by House
 Bill Graham
 James Mallory, III
 Paul Powell
 Anita White

RULES REVIEW COMMISSION MEETING DATES

January 16, 1997	April 17, 1997
February 20, 1997	May 15, 1997
March 20, 1997	June 19, 1997

MEETING DATE: JANUARY 16, 1997

LOG OF FILINGS

RULES SUBMITTED: NOVEMBER 20, 1996 THROUGH DECEMBER 20, 1996

AGENCY/DIVISION	RULE NAME	RULE	ACTION
DHR/MH/DD/SAS	Staff	10 NCAC 14V .3402	Amend
	Operations	10 NCAC 14V .3803	Amend
	Staff	10 NCAC 14V .5602	Amend
	Placement of Clients	10 NCAC 15A .0128	Repeal
	Resolution of Differences	10 NCAC 15A .0129	Repeal
	Scope	10 NCAC 18W .0201	Adopt
	Definitions	10 NCAC 18W .0202	Adopt
	General Provisions	10 NCAC 18W .0203	Adopt
	Eligibility Criteria	10 NCAC 18W .0204	Adopt
	Emotional Handicap Defined	10 NCAC 18W .0205	Adopt
	Violent Behavior Defined	10 NCAC 18W .0206	Adopt
	Determination	10 NCAC 18W .0207	Adopt
	Application	10 NCAC 18W .0208	Adopt
	Determination of Eligibility	10 NCAC 18W .0209	Adopt
	Re-Review of Eligibility	10 NCAC 18W .0210	Adopt
	Needs Assessment	10 NCAC 18W .0211	Adopt
	Service Planning	10 NCAC 18W .0212	Adopt
	Provision of Services	10 NCAC 18W .0213	Adopt
	Area Program Requirements	10 NCAC 18W .0214	Adopt
	Division Requirements	10 NCAC 18W .0215	Adopt
	Prior Notice of Decision	10 NCAC 18W .0216	Adopt
	Mediation	10 NCAC 18W .0217	Adopt
	Contested Case Hearings	10 NCAC 18W .0218	Adopt
	Administrative Review	10 NCAC 18W .0219	Adopt

RULES REVIEW COMMISSION

DEHNR/ENVIRONMENTAL MANAGEMENT COMMISSION

Permits	15A NCAC 2C .0211	Amend
Additional Criteria	15A NCAC 2C .0213	Amend
Abandonment	15A NCAC 2C .0214	Amend

DEHNR/COASTAL RESOURCES COMMISSION

Use Standards	15A NCAC 7H .0309	Amend
Declaration of General Policy	15A NCAC 7M .0401	Amend
Definitions	15A NCAC 7M .0402	Amend
Policy Statements	15A NCAC 7M .0403	Amend

DEPARTMENT OF REVENUE

Voluntary EFT Program	17 NCAC 1C .0506	Amend
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NC ACUPUNCTURE LICENSING BOARD

Filing Complaints	21 NCAC 1 .0702	Adopt
Determination of Probable Cause	21 NCAC 1 .0703	Adopt
Informal Proceedings	21 NCAC 1 .0704	Adopt
Continuances	21 NCAC 1 .0706	Adopt
Disqualification	21 NCAC 1 .0707	Adopt
Hearing	21 NCAC 1 .0710	Adopt
Provisions for Petition	21 NCAC 1 .0711	Adopt

NC STATE BOARD OF COMMUNITY COLLEGES

Petitions	23 NCAC 1B .0001	Amend
Hearings	23 NCAC 1B .0004	Amend
Statement of Reasons	23 NCAC 1B .0005	Amend
Declaratory Rulings	23 NCAC 1B .0008	Amend
Student Loan Funds	23 NCAC 2C .0304	Amend
Military Leave	23 NCAC 2D .0104	Amend
Standards	23 NCAC 2E .0203	Amend

RULES REVIEW OBJECTIONS

ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Coastal Management

<i>15A NCAC 7H .0104 - Development Initiated Prior to Eff. Date of Revisions</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>15A NCAC 7H .0304 - AECs Within Ocean Hazard Areas</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>15A NCAC 7H .0305 - General Identification and Description of Landforms</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

Environmental Management

<i>15A NCAC 2B .0229 - Tar Pamlico River Basin-Nutrient Sensitive Waters Mgmt Strategy</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>

Commission for Health Services

<i>15A NCAC 13C .0302 - General Provisions</i>	<i>RRC Objection</i>	<i>09/19/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/17/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/21/96</i>
<i>15A NCAC 13C .0304 - Minimum Qualifications for Registered Env. Consultants</i>	<i>RRC Objection</i>	<i>09/19/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>10/17/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/21/96</i>
<i>15A NCAC 13C .0306 - Technical Standards for Registered Environmental Consultants</i>	<i>RRC Objection</i>	<i>09/19/96</i>

<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
15A NCAC 18A .0134 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .0168 - Single-Service Containers	RRC Objection	12/19/96
15A NCAC 18A .0176 - Pasteurization of Crustacea Meat	RRC Objection	12/19/96
15A NCAC 18A .0182 - Bacteriological and Contamination Standards	RRC Objection	12/19/96
15A NCAC 18A .0183 - Alternative Labeling	RRC Objection	12/19/96
15A NCAC 18A .0185 - Thermal Processing of Crustacea and Crustacea Meat	RRC Objection	12/19/96
15A NCAC 18A .0187 - Interfacility Thermal Processing Procedures	RRC Objection	12/19/96
15A NCAC 18A .0301 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .0421 - Daily Record	RRC Objection	12/19/96
15A NCAC 18A .0614 - Containers	RRC Objection	12/19/96
15A NCAC 18A .0618 - Heat Shock Method of Preparation of Shellfish	RRC Objection	12/19/96
15A NCAC 18A .0621 - Recall Procedure	RRC Objection	12/19/96
15A NCAC 18A .0901 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .1301 - Definitions	RRC Objection	12/19/96
15A NCAC 18A .1319 - Bedroom and Lobby Furnishings	RRC Objection	12/19/96

Parks and Recreation Area Rules

15A NCAC 12B .1206 - Fees and Charges	RRC Objection	11/21/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	12/19/96

HUMAN RESOURCES

Child Day Care Commission

10 NCAC 3U .0102 - Definitions	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .0704 - Preservice Requirements for Administrators	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .0710 - Preservice Requirements for Teachers and Aides	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .2701 - Application for Permits	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .2702 - Criminal Record Check Requirements for Child Care Providers	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .2703 - Criminal Record Check Reqs for Current Child Care Providers	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3U .2704 - Criminal Record Check Reqs for Nonregistered Home Providers	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96

Facility Services

10 NCAC 3R .2410 - Information Required of Applicant	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .2412 - Staffing and Staff Training	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .2510 - Information Required of Applicant	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .2512 - Staffing and Staff Training	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .2612 - Information Required of Applicant	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .3030 - Facility and Service Need Determinations	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	11/21/96
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	12/19/96
10 NCAC 3R .3030 - Facility and Service Need Determinations	RRC Objection	11/21/96
10 NCAC 3R .3040 - Reallocations and Adjustments	RRC Objection	10/17/96
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	11/21/96
10 NCAC 3R .3050 - Policies	RRC Objection	10/17/96

RULES REVIEW COMMISSION

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/21/96</i>
Social Services Commission		
<i>10 NCAC 41P .0002 - Organization and Administration (Renumbered as .0102)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 41P .0005 - Placement Services Families and Children (Renumbered as .0105)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 41P .0013 - Fees (Renumbered as .0113)</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42A .0703 - Designated Agencies</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42C .2011 - Staff Competency and Training</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42C .2012 - Training Program Content and Approval</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42D .1410 - Staff Competency and Training</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>10 NCAC 42D .1411 - Training Program Content and Approval</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
PUBLIC INSTRUCTION		
<i>16 NCAC 7 .0101 - Definitions</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>16 NCAC 7 .0102 - General Information</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
<i>16 NCAC 7 .0103 - Exemptions from Certification Requirements of the Standards Board</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
REAL ESTATE COMMISSION		
<i>21 NCAC 58A .0302 - Filing and Fees</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1501 - Licensing and General Brokerage Forms</i>	<i>RRC Objection</i>	<i>12/19/96</i>
<i>21 NCAC 58A .1502 - Forms for Education Program</i>	<i>RRC Objection</i>	<i>12/19/96</i>
BOARD OF REFRIGERATION EXAMINERS		
<i>21 NCAC 60 .0314 - Use of License</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>12/19/96</i>
REVENUE		
<i>17 NCAC 5C .0102 - Doing Business Defined</i>	<i>RRC Objection</i>	<i>11/21/96</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>12/19/96</i>
TRANSPORTATION		
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<i>19A NCAC 3E .0403 - License Period for Trailer Plate</i>	<i>RRC Objection</i>	<i>12/19/96</i>

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Brenda B. Becton
Sammie Chess Jr.
Beecher R. Gray
Meg Scott Phipps

Robert Roosevelt Reilly Jr.
Dolores O. Smith
Thomas R. West

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<i>Purchase and Contract</i>				
Budd Seed, Inc. v. Department of Administration	96 DOA 0281	Chess	09/19/96	
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Osama Arafat Sadar v. Alcoholic Beverage Control Commission	95 ABC 0721	Gray	07/09/96	
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Cole Entertainment, Inc. v. Alcoholic Beverage Control Commission	95 ABC 0917	West	08/21/96	11:12 NCR 1027
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Alcoholic Beverage Control Commission v. Huffman Oil Co., Inc.	95 ABC 1251	West	04/03/96	11:03 NCR 166
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Alcoholic Beverage Control Commission v. Entrepreneur, Inc.	95 ABC 1363	Reilly	05/02/96	
Alcoholic Beverage Control Commission v. Zell, Inc.	95 ABC 1366	West	06/17/96	
Alcoholic Beverage Control Commission v. Henry Franklin Gurganus	95 ABC 1389	West	04/01/96	
Andrew Parker v. Alcoholic Beverage Control Commission	95 ABC 1402	Phipps	03/27/96	
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Alcoholic Beverage Control Comm. v. Partnership T/A T & L Groceries	95 ABC 1443	West	03/26/96	
Alcoholic Beverage Control Commission v. Cashion's Food Mart, Inc.	95 ABC 1444	Gray	03/13/96	
Alcoholic Beverage Control Commission v. E.K.'s II, Inc. Carl E. Collins	95 ABC 1458	Chess	08/12/96	
Bro Bee, Inc. v. Alcoholic Beverage Control Commission	95 ABC 1480	West	04/15/96	
Alcoholic Beverage Control Commission v. Donald Ray Doak	95 ABC 1488	West	03/29/96	
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Alcoholic Beverage Control Commission v. Well Informed, Inc.	96 ABC 0016	Chess	05/28/96	
Alcoholic Beverage Control Commission v. Kubbard, Inc.	96 ABC 0017	Reilly	05/20/96	
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George Wright and Alice Ramsuer v. Alcoholic Beverage Control Comm.	96 ABC 0058	Becton	04/16/96	
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Alcoholic Beverage Control Commission v. Circle K Stores, Inc.	96 ABC 0134	Gray	11/06/96	
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Alcoholic Beverage Control Commission v. Triangle Drive-In	96 ABC 0443	Reilly	06/11/96	
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Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0448	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0449	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Beroth Oil Company	96 ABC 0450	Morrison	08/30/96	
Alcoholic Beverage Control Commission v. Giles Rozier	96 ABC 0473	Morrison	09/19/96	
Alcoholic Beverage Control Commission v. Clifton Franklin Smith	96 ABC 0474	Reilly	08/12/96	
Alcoholic Beverage Control Comm. v. Crown Central Petroleum Corp.	96 ABC 0482	Morrison	10/18/96	
Dilthra Smith Patton v. Alcoholic Beverage Control Commission	96 ABC 0505	Morrison	08/06/96	
Virginia Caporal v. Alcoholic Beverage Control Commission	96 ABC 0507	Becton	10/04/96	
Alcoholic Beverage Control Commission v. James Eads Sprowles	96 ABC 0526*7	Gray	07/10/96	
Alcoholic Beverage Control Commission v. Chae Ypo Chong	96 ABC 0530	Morrison	10/29/96	
Alcoholic Beverage Control Commission v. Albert S. Carter	96 ABC 0534	Morrison	08/05/96	
Alcoholic Beverage Control Commission v. Taleb Abed Rahman	96 ABC 0551	West	11/14/96	
Alcoholic Beverage Control Comm. v. Centergrove Entertainment Ent.	96 ABC 0583	Reilly	08/12/96	
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Alcoholic Beverage Control Commission v. Jesse Smith	96 ABC 0804	Gray	11/19/96	
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Alcoholic Beverage Control Commission v. Winn Dixie Charlotte, Inc.	96 ABC 0859	Morrison	11/21/96	
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Alcoholic Beverage Control Commission v. Ptrsrhp.,T/A Blue Front Groc.	96 ABC 1469	Smith		12/09/96
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Deborah C. Passarelli v. Crime Victims Compensation Commission	95 CPS 1399	Reilly	07/18/96	11:09 NCR 814
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K&G Properties, Inc. v. EHNR, Division of Land Resources	95 EHR 1078	Smith	03/25/96	
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<i>Certificate of Need Section</i>				
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Pitt Cty Mem. Hospital, Inc. v. DHR, Div/Facility Sries, Cert/Need Sect.	95 DHR 1177*3	Phipps	05/23/96	11:06 NCR 389
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Leola Barnes, Shaw Family Care v. DHR, Fac. Svcs, Group Care Lic.	96 DHR 0626	West	10/01/96	
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Mr. and Mrs. Jessie Stevenson v. DHR, Division of Social Services	95 DHR 1072	Phipps	03/15/96	
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Johnny Leary v. Department of Human Resources	96 CSE 0085	Becton	05/03/96	
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Jackie L. Kopczick v. Department of Human Resources	96 CSE 0431	Mann	06/05/96	
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Robert A. Green v. Department of Human Resources	96 CRA 1436*12	Gray	12/12/96	
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Kelvine Lance Thompson v. Department of Human Resources	96 CRA 1537	Becton	12/18/96	
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Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Smith	03/26/96	
Kathleen D. Jarvis v. Teachers & St. Emp. Comp. Major Med. Plan	96 INS 0075	Morrison	10/16/96	
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Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
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John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	Smith	08/16/96	
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Carlton Gerald v. Criminal Justice Ed. & Training Stda. Comm.	96 DOJ 0432	Becton	08/07/96	
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Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stda. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stda. Comm.	96 DOJ 0656	Morrison	08/02/96	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
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Brent Lec Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
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Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
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Medical Board v. Martin A. Hatcher, M.D.	92 BME 0510	Gray	06/28/96	11:08 NCR 555
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L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candyce Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
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John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	
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Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
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Department of Administration

Jimmie A. Hughes, Jr. v. Department of Administration	96 OSP 0008	Reilly	07/23/96	
Jonathan L. Fann v. Department of Administration, Admin. Personnel	96 OSP 0042	Gray	05/24/96	
Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	

Administrative Office of the Court

Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
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Albemarle Mental Health Center

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<i>Appalachian State University</i>				
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
<i>A & T State University</i>				
Jocoy M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>NC Central University</i>				
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Check v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249*9	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	

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<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050*9	Smith	07/23/96	
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy Patrol	96 OSP 1309	Gray	12/12/96	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>East Carolina University</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
<i>Department of Environment, Health, and Natural Resources</i>				
Roberta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Smith	10/01/96	
<i>Fayetteville State University</i>				
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatt v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance City DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147*11	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241*11	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Smith	03/21/96	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Cumberland County Department of Social Services</i>				
Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	
<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
<i>Rockingham County Department of Social Services</i>				
Lorretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<i>Wake County Department of Social Services</i>				
Phylis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
<i>Pembroke State University</i>				
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<i>Sandhill Community College</i>				

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	
<i>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>North Carolina State University</i>				
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589* ¹	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837* ¹	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Stephanic Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
<i>University of North Carolina</i>				
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
<i>Wake County Board of Health</i>				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
<i>Western Carolina University</i>				
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
STATE TREASURER				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys.	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	
DEPARTMENT OF TRANSPORTATION				
James E. Phillips v. Dept. of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
UNIVERSITY OF NORTH CAROLINA				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	

* Consolidated cases.

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlk v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
96 EDC 0675

LOUIS CRAIG GILL,)
Petitioner,)
)
v.)
)
N.C. STATE BOARD OF EDUCATION,)
Respondent.)

RECOMMENDED DECISION

This matter was heard before Dolores Nesnow-Smith, Administrative Law Judge, on November 15, 1996, in High Point, North Carolina.

APPEARANCES

For Petitioner: James F. Morgan, Attorney at Law
High Point, North Carolina

For Respondent: Sylvia Thibaut
Assistant Attorney General, Raleigh, North Carolina

ISSUE

Does the State Board of Education have grounds to revoke petitioner's teaching certificate?

STATUTES & RULES INVOLVED

N.C. Gen. Stat. § 115C-12(9) (a); N.C. Constitution; 16 N.C. Admin. Code 6C .0312.

JUDICIAL NOTICE

16 NCAC 6C .0312

WITNESSES

For Petitioner: None
For Respondent: Officer Robert Burns
Officer Timothy Popek
Officer John Wright
Officer Linda Suggs

FINDINGS OF FACT

1. Petitioner, Louis Craig Gill, holds a teaching certificate issued by the State Board of Education.
2. On or about May 31, 1996, Respondent, the State Board of Education, notified Petitioner that there were charges against him which constituted grounds for revocation of his teaching certificate and that unless he initiated administrative proceedings to challenge the action within sixty days of notice, the State Board of Education would revoke his teaching certificate.
3. On or about May 31, 1996, respondent notified Petitioner of written charges against him, including but not limited to:

On August 30, 1994, Mr. Gill unlawfully possessed drug paraphernalia and marijuana, a controlled

substance under G.S. 90-95. Mr. Gill was in the company of a former female student, and both were in his truck, when law enforcement officers observed them passing a marijuana joint between them. When the officers confronted them, Mr. Gill ran into the woods and dropped a plastic bag behind a cedar tree. The officers recovered the bag and found that it contained marijuana.

4. Petitioner was employed as a teacher by the Guilford County Board of Education during school years 1993-94 and 1994-95.

5. Petitioner was assigned to teaching duties and was the football coach at Andrews High School in the Guilford County School System.

6. Petitioner resigned from his position as a teacher and coach at Andrews High School, effective September 1, 1994.

7. Petitioner's resignation followed the initiation of an investigation by the Guilford County School authorities as a result of the arrest of Petitioner for possession of marijuana, possession of drug paraphernalia and obstructing, delaying and resisting an officer on August 30, 1994.

8. On August 31, 1994, Jerry Weast, the Superintendent of Schools in Guilford County, and other school officials, including John Wright, Associate Superintendent over personnel, met with Petitioner to discuss the criminal charges brought against him by the Guilford County Sheriff's Department.

9. During that meeting, Petitioner changed his recitation of his version of the facts several times, but did admit that he had arranged to pick up a former student on the evening of August 30, 1994, Kristy England, and that the two of them drove into a heavily wooded area, down a little used dirt road, to talk in his truck. Petitioner further admitted that Ms. England was smoking a marijuana cigarette in the truck while they were talking. Petitioner denied that he smoked any of the marijuana cigarette.

10. Petitioner further stated that when law enforcement officers first approached his truck that evening, he was scared and ran into the woods. Petitioner also told the school officials that he ran into the woods a second time with a brown shaving kit which contained AK .47 bullets and that he threw these bullets into the woods on that occasion. Finally, Petitioner told school officials that he ran away a third time when the officers attempted to arrest him.

11. At approximately 9:00 p.m. on the evening of August 30, 1994, Sheriff's Deputies Robert A. Burns and Timothy P. Popek, while on routine patrol, saw Petitioner and Ms. England drive onto a dirt road across the street from Barrow Drive in High Point, North Carolina. Viewing this as suspicious activity, the deputies notified their dispatcher and followed the truck onto the dirt road. The road was quite muddy and the deputies did not follow the truck with their car the entire way, but got out of their car and followed on foot.

12. When the deputies approached the truck, they observed Petitioner and Ms. England passing a lighted cigarette back and forth between them and taking long drags on the cigarette. At that point, Deputy Burns shined his flashlight into the cab of the truck and, announcing himself to be with the Sheriff's Department, told the occupants to remain in the truck.

13. Petitioner immediately bolted from the truck and ran into the woods next to a cedar tree. Neither of the deputies were able to see if Petitioner had anything in his hands. Petitioner returned a few minutes later and told the deputies that he had run because he did not know who they were and was scared.

14. The deputies asked Petitioner what he had done with the marijuana and he told them that he did not have marijuana but was smoking a cigarette. While he was talking to the deputies, Petitioner was reaching under the driver's seat of the truck and, shortly after, ran into the woods again with a brown shaving kit in his hands. Both deputies were able to see where Petitioner entered the woods and to watch his progress through the underbrush.

15. When Petitioner returned to the truck a few minutes later, he informed the deputies that he had run into the woods to dispose of some bullets he had in the brown case.

16. The deputies asked Petitioner for his license and for permission to search the truck. Petitioner gave

permission to the deputies to search his truck but they found only a .38 caliber handgun in open view on his front seat.

17. Backup officers had arrived at that time and Deputy Popek was able to leave and search the woods at the two places where Petitioner had run into the woods. Deputy Popek found a plastic baggie of marijuana by the cedar tree where Petitioner had initially run into the woods. Deputy Popek found a small green pipe with marijuana residue in it and a white rolling paper in the brush where Petitioner ran into the woods the second time. The pipe had fresh, liquid blood on it and the rolling paper had what appeared to be blood on it as well. Petitioner was bleeding from scratches he had received when he ran into the woods the second time.

18. A search of the woods the next day in the area where Petitioner ran the second time did not reveal any bullets.

19. Deputies Burns and Popek are well trained and experienced in recognition of both the appearance of marijuana and its characteristic smell when burning. Deputy Burns noticed a strong odor of marijuana on Petitioner when Petitioner returned from running to the woods the first time and a strong odor of marijuana in the truck cab. Deputy Popek noticed the odor of marijuana in the truck cab as well and recognized the substance in the plastic baggie to be marijuana.

20. No Laboratory examination was conducted on the material in the baggie.

21. Petitioner was placed in the deferred prosecution program with the Guilford County District Attorney's Office.

22. As a result of Petitioner's completion of the deferred prosecution program, all the criminal charges were dismissed by the Guilford County District Attorney's Office.

23. The duties of a teacher include providing an education to students, acting as a role model to students, being a model for the profession, protecting the student's safety and working with administrators, staff and parents.

24. In regard to Petitioner's ability to continue to perform his professional functions after his having been in possession of marijuana and drug paraphernalia and resisting arrest. Linda Suggs, an expert in the area of reasons why teachers' certificates should be revoked, stated that students could no longer view Petitioner as a role model, or, if they did, would be following an inappropriate role model who imbibed illegal drugs; that parents would have concerns about their children's safety and welfare under Petitioner's control. It was Ms. Suggs' professional opinion that Petitioner was no longer fit to teach based on his clear violation of North Carolina criminal laws and his flaunting of authority by running from the law enforcement officials when they attempted to arrest him.

25. Ms. Suggs further opined that teachers are held to a higher standard than the ordinary citizen because of their unique opportunity to influence young, impressionable minds and that the most important responsibility of a teacher, and especially a coach, is to foster a strong ethical and moral character, respect for the laws and civil obedience. Ms. Suggs' professional opinion was that Petitioner had broken the trust placed in him by the Board of Education, the Guilford County School System, students, parents, fellow colleagues and the community at large.

26. Ms. Suggs opined that it would be contradictory for Petitioner to attempt to teach students to avoid drugs, pursuant to the Basic Education Program, (G. S. 115C-81) and to have students know that he himself indulged in the use of illegal drugs. (testimony of Linda Suggs)

Based on the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. The State Board of Education derives power directly from the North Carolina Constitution. That power is "to supervise and administer the free public school system and the educational funds provided for its support."

2. The State Board has the authority to determine the certification status of a teacher in the North Carolina public schools. The State Board has the specific duty "to certify and regulate the grade and salary of teachers and other school employees." N.C. Gen. Stat. § 115C-12(9)(a).

3. Public school teachers in North Carolina have the statutory duty to maintain discipline in school and to encourage temperance and morality. N.C. Gen. Stat. § 115C-307(a) and (b).

4. The North Carolina Supreme Court has emphasized that teachers, in addition to being required to teach a particular subject, also serve as role models for their students. Faulkner v. New Bern-Craven Bd. of Educ., 311 N.C. 42, 316 S.E. 2d 281 (1984); see also Burrow v. Bd. of Educ., 61 N.C. App. 619, 625, 301 S.E. 2d 704 (1983) (wherein the Court of Appeals clearly recognized and emphasized the significant influence a teacher has on young people in his care and custody and that lack of judgment on the part of a teacher cannot be condoned).

5. Petitioner did illegally possess marijuana and drug paraphernalia on August 30, 1994.

6. The State Board of Education has grounds to revoke Petitioner's teaching certificate under 16 N.C. Admin. Code 6C .0312(a) (8) as the result of Petitioner's illegal and unethical conduct on August 30, 1994.

7. There is a reasonable and adverse relationship between the underlying conduct of possessing marijuana and possessing drug paraphernalia and the continuing ability of Petitioner to perform any of his professional functions in an effective manner.

8. Possessing marijuana and possessing drug paraphernalia is illegal and unethical conduct pursuant to 16 N.C. Admin. Code 6C .0312(a) (8).

9. The North Carolina Court of Appeals has held that in cases in which an employee has been dismissed based upon an act of off-duty criminal conduct, the agency may consider the following factors in demonstrating that the dismissal is supported by the existence of a rational nexus between the type of criminal conduct committed and the **potential** adverse impact on the employee's future ability to perform for the agency:

- the degree to which, if any, the conduct may have adversely affected clients or colleagues;
- the likelihood of recurrence of the questioned conduct and the degree to which the conduct may affect work performance, work quality, and the agency's good will and interests;
- the proximity or remoteness in time of the conduct to the commencement of the disciplinary proceedings;
- the blameworthiness or praiseworthiness of the motives resulting in the conduct; and
- the presence or absence of any relevant factors in mitigation.

Eury v. N.C. Employment Security Commission, 115 N.C. App. 590, 446 S.E. 2d 383, cert. denied, 338 N.C. 309, 451 S.E. 2d 635 (1994). Similarly, the Supreme Court of California established comparable factors for the California State Board of Education to consider in certificate revocation cases when determining whether the teacher's conduct indicates unfitness to teach, including:

the likelihood that the conduct may have adversely affected students or fellow teachers, the degree of such adversity anticipated, the proximity or remoteness in time of the conduct, the type of teaching certificate held by the party involved

Morrison v. State Bd. of Educ., 461 P.2d 375, 386 (1969).

10. The State Board is responsible for oversight of a state-wide comprehensive school health program which includes the subject matter of drug abuse prevention. For the State Board of Education to allow Petitioner to hold a teaching license would undermine the State Board's credibility with the public. The public would believe that the State Board does not take its responsibility seriously in regard to the drug abuse prevention program.

11. The State Board of Education has both the grounds and the authority to revoke Petitioner's teaching certificate under 16 N.C. Admin. Code 6C .0312(a) (8).

Based on the above Conclusions of Law, the undersigned makes the following:

RECOMMENDED DECISION

Respondent State Board of Education has grounds to revoke Petitioner's teaching certificate. Petitioner has not shown that respondent exceeded its authority or jurisdiction, acted erroneously, failed to use proper procedure, failed to act as required by law or rule, or acted arbitrarily or capriciously. Therefore, Petitioner's petition should be dismissed and Petitioner is entitled to no relief.

ORDER

It is hereby ordered that the State Board serve a copy of the Final Decision on the Office of Administrative Hearings, P.O. Drawer 27447, Raleigh, North Carolina 27611-7447, in accordance with N.C. Gen. Stat. § 150B-36(b).

NOTICE

Before the State Board makes its Final Decision, it is required by N.C. Gen. Stat. § 150B-36(a) to give each party an opportunity to file exceptions to this recommended decision, and to present written arguments to those in the agency who will make the final decision.

The agency is required by N.C. Gen. Stat. § 150B-36(b) to serve a copy of the Final Decision on all parties and to furnish a copy to the parties' attorneys of record.

This the 17th day of December, 1996.

Dolores Nesnow-Smith
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. * = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101 11:18 NCR 1368
 21 NCAC 01 .0301 10:22 NCR 2860
 21 NCAC 01 .0705 10:17 NCR 2228
 21 NCAC 01 .0709 10:17 NCR 2228

ADMINISTRATIVE HEARINGS

Hearings Division

26 NCAC 03 .0301 11:03 NCR 110
 26 NCAC 03 .0302 11:03 NCR 110
 26 NCAC 03 .0303 11:03 NCR 110
 26 NCAC 03 .0304 11:03 NCR 110
 26 NCAC 03 .0305 11:03 NCR 110

Rules Division

26 NCAC 02C 11:19 NCR 1413
 26 NCAC 02C .0102 11:09 NCR 570
 26 NCAC 02C .0103 11:09 NCR 570
 26 NCAC 02C .0111 11:09 NCR 570
 26 NCAC 02C .0307 11:09 NCR 570
 26 NCAC 02C .0401 11:09 NCR 570
 26 NCAC 02C .0502 11:09 NCR 570

ADMINISTRATION

1 NCAC 39 .0101 10:16A NCR 1672
 1 NCAC 39 .0201 10:16A NCR 1672

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State Building Commission										
1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*						
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L						
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L						
AGRICULTURE										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96				
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96				
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96				
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		11:20 NCR 1569	
2 NCAC 52B .0200	11:14 NCR 1107									
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 52B .0300	11:14 NCR 1107									
2 NCAC 52C .0700	11:14 NCR 1107									
Marketing Authority										
2 NCAC 43F	11:14 NCR 1107			*	Approve	12/19/96			11:20 NCR 1569	
2 NCAC 43H	11:14 NCR 1107									
2 NCAC 43L	11:14 NCR 1107									
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2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*						
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*						
AUCTIONEERS LICENSING BOARD										
21 NCAC 04B .0202	11:18 NCR 1368									
COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						

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4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1900	11:09 NCR 569		11:14 NCR 1113	*						
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4 NCAC 06C .0205	10:18 NCR 2398									
4 NCAC 06C .0407	10:18 NCR 2398									

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4 NCAC 06C .0409	10:18 NCR 2398									
Energy										
4 NCAC 12C .0007					Approve	07/18/96			11:10 NCR 843	
State Ports Authority										
4 NCAC 13A .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0204	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0002	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0003	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0004	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0005	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C .0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0103	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0201	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0302	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0401	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0402	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0403	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0404	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13E .0405	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0501	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0502	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0601	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0602	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0603	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0701	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0702	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0801	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0803	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0901	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E .0902	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
COMMUNITY COLLEGES										
23 NCAC 01A .0001	11:18 NCR 1369									
23 NCAC 02C .0108	11:18 NCR 1369									
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0305	11:18 NCR 1369									
23 NCAC 02C .0604	11:18 NCR 1369									
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369									
23 NCAC 02D .0201	11:18 NCR 1369									
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369									
23 NCAC 02D .0203	11:18 NCR 1369									
23 NCAC 02D .0301	11:18 NCR 1369									

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23 NCAC 02D .0323	11:18 NCR 1369									
23 NCAC 02D .0324	11:18 NCR 1369									
23 NCAC 02D .0325	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*	11:19 NCR 1449		
23 NCAC 02D .0327	11:18 NCR 1369									
23 NCAC 02E .0101	11:18 NCR 1369									
23 NCAC 02E .0102	11:18 NCR 1369									
23 NCAC 02E .0201	11:18 NCR 1369									
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*						
23 NCAC 02E .0203	11:18 NCR 1369									
23 NCAC 02E .0204	11:18 NCR 1369									
23 NCAC 02E .0205	11:18 NCR 1369									
23 NCAC 02E .0501	11:18 NCR 1369									
23 NCAC 02E .0604	11:18 NCR 1369									
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*	11:19 NCR 1449		
CULTURAL RESOURCES										
USS North Carolina Battleship Commission										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96	.	11:20 NCR 1569		
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96		11:20 NCR 1569		
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96		11:20 NCR 1569		
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96		11:20 NCR 1569		
DENTAL EXAMINERS										
21 NCAC 16B .0303	11:20 NCR 1538									
21 NCAC 161.0001	11:20 NCR 1538									
21 NCAC 161.0002	11:20 NCR 1538									
21 NCAC 161.0003	11:20 NCR 1538									
21 NCAC 161.0004	11:20 NCR 1538									
21 NCAC 161.0005	11:20 NCR 1538									

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21 NCAC 16R .0001	11:20 NCR 1538									
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538									
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES										
15A Public Notice										
15A Public Notice										
15A NCAC 01K	10:19 NCR 2506									
15A NCAC 01M .0101		11:06 NCR 368								
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:06 NCR 368								
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:06 NCR 368								
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:06 NCR 368								
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:06 NCR 368								
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:06 NCR 368								
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:06 NCR 368								
15A NCAC 01M .0303		11:19 NCR 1439								
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15A NCAC 01M .0304		11:19 NCR 1439								

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15ANCAC 01M .0305		11:06 NCR 368								
15ANCAC 01M .0305		11:19 NCR 1439								
15ANCAC 01M .0306		11:06 NCR 368								
15ANCAC 01M .0306		11:19 NCR 1439								
Coastal Resources Commission										
15ANCAC 07	11:04 NCR 183									
15ANCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575
15ANCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*			11:20 NCR 1569
15ANCAC 07H .0106	11:19 NCR 1408				Approve	09/19/96	*			Notice Subject Matter
15ANCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .0208	11:19 NCR 1408									
15ANCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96	*			11:09 NCR 575
15ANCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226			Approve	12/19/96				11:20 NCR 1569
15ANCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226								
15ANCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*						
15ANCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1600	11:15 NCR 1200									
15ANCAC 07H .1704	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1804	11:04 NCR 183		11:11 NCR 907	*						
15ANCAC 07H .1904	11:04 NCR 183		11:11 NCR 907	*						

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15A NCAC 07H .2004	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07I .0102	10:24 NCR 3045		11:04 NCR 190	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0402	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0403	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .1200	11:19 NCR 1408									
Environmental Management Commission										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*	Object Approve	11/21/96 12/19/96			11:20 NCR 1569	
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/S/E						

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15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0237					Approve	12/19/96			11:21 NCR 0000	
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0308	11:20 NCR 1534									
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									

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					Action	Date				
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*						
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			11:19 NCR 1449	

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15A NCAC 02D .0954	11:15 NCR 1200									
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*	11:19 NCR 1449		
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*	11:19 NCR 1449		
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	LSE						
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
15A NCAC 02H .0610	11:08 NCR 442									
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									

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15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508								
15A NCAC 02L .0115	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02P	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02P .0402		10:19 NCR 2512								
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*	11:19 NCR 1449		
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*	11:19 NCR 1449		
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96		11:19 NCR 1449		
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*						
15A NCAC 02Q .0700	11:08 NCR 442									

NPDES Permits

11:06 NCR 317

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NPDES Permits										
Health Services, Commission for										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*						
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96	*		11:19 NCR 1449	
					Approve	11/21/96				
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Object	09/19/96	*		11:19 NCR 1449	
					Approve	11/21/96				
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:19 NCR 1449	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 18A	11:04 NCR 183				Approve	09/19/96	*		11:14 NCR 1156	
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0137	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0159	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0168	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0169	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0173	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0174	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	

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15A NCAC 18A .0175	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0176	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0182	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0183	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0184	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0185	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0186	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				
15A NCAC 18A .0187	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0302	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0401	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0421	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0424	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0425	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0614	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0615	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0616	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0617	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:20 NCR 1569	
15A NCAC 18A .0620	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96				
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:20 NCR 1569	
15A NCAC 18A .1302	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96				
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:20 NCR 1569	
15A NCAC 18A .1805	11:04 NCR 183		11:09 NCR 576	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 18A .1814					Approve	04/18/96			11:04 NCR 209	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561								

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15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.1958	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A.1961	11:19 NCR 1408	11:20 NCR 1561								
15A NCAC 18A .2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96		11:16 NCR 1291		
15A NCAC 18A.2701					Approve	06/20/96	*	11:08 NCR 536		
15A NCAC 20D .0243					Approve	04/18/96		11:04 NCR 209		
15A NCAC 21H .0111		11:06 NCR 371								
15A NCAC 21H .0113		11:06 NCR 371								
15A NCAC 21I .0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552							
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03I .0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*	11:20 NCR 1569		
15A NCAC 03I .0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*	11:20 NCR 1569		
15A NCAC 03I .0019			10:21 NCR 2737	*	Approve	05/16/96	*			
15A NCAC 03J .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03J .0401			10:21 NCR 2688	*	Approve	05/16/96	*			
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*	11:20 NCR 1569		
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96		11:20 NCR 1569		

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15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*						
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96		11:20 NCR 1569		
15A NCAC 03M .0503		11:18 NCR 1383								
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*	11:20 NCR 1569		
		11:14 NCR 1153								
15A NCAC 03M .0506	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96		11:20 NCR 1569		
15A NCAC 03M .0506		11:18 NCR 1383								
15A NCAC 03M .0507		11:11 NCR 938		*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*	11:20 NCR 1569		
15A NCAC 03M .0514		11:18 NCR 1383								
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96		11:20 NCR 1569		
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96		11:20 NCR 1569		
Parks and Recreation										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object	11/21/96	*	11:20 NCR 1569		
Soil and Water Conservation										
15A NCAC 06E .0102	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96		11:20 NCR 1569		
15A NCAC 06E .0102		11:12 NCR 1004								
15A NCAC 06E .0103	11:08 NCR 442		11:12 NCR 979	*	Approve	12/19/96		11:20 NCR 1569		
15A NCAC 06E .0105		11:12 NCR 1004								
Water Pollution Control System Operators Certification Commission										
15A NCAC 08F .0101		11:19 NCR 1442								
15A NCAC 08F .0102		11:19 NCR 1442								
15A NCAC 08F .0201		11:19 NCR 1442								
15A NCAC 08F .0202		11:19 NCR 1442								
15A NCAC 08F .0203		11:19 NCR 1442								
15A NCAC 08F .0301		11:19 NCR 1442								
15A NCAC 08F .0401		11:19 NCR 1442								
15A NCAC 08F .0402		11:19 NCR 1442								

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15A NCAC 08F .0403		11:19 NCR 1442								
15A NCAC 08F .0404		11:19 NCR 1442								
15A NCAC 08F .0405		11:19 NCR 1442								
15A NCAC 08F .0406		11:19 NCR 1442								
15A NCAC 08F .0407		11:19 NCR 1442								
15A NCAC 08F .0501		11:19 NCR 1442								
15A NCAC 08F .0502		11:19 NCR 1442								
15A NCAC 08F .0503		11:19 NCR 1442								
15A NCAC 08F .0504		11:19 NCR 1442								
15A NCAC 08F .0505		11:19 NCR 1442								
15A NCAC 08F .0506		11:19 NCR 1442								
Wildlife Resources Commission										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		11:16 NCR 1291	
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		11:20 NCR 1569	
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			11:20 NCR 1569	
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*						
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			11:19 NCR 1449	
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									
15A NCAC 10D .0002	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		11:19 NCR 1449	

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15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		11:12 NCR 1006	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*						
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*						
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			11:10 NCR 843	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			11:14 NCR 1156	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*						
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*						
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		11:10 NCR 843	
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			11:16 NCR 1291	

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15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291		
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291		
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96		11:16 NCR 1291		
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291		
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291		
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291		
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*	11:16 NCR 1291		
15A NCAC 101 .0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96		11:14 NCR 1156		
15A NCAC 101 .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*	11:16 NCR 1291		
Wildlife Proclamation										
Wildlife Proclamation										

FINAL DECISION LETTERS

Voting Rights Act	11:01 NCR 1
Voting Rights Act	11:04 NCR 181
Voting Rights Act	11:06 NCR 315
Voting Rights Act	11:07 NCR 405
Voting Rights Act	11:13 NCR 1038
Voting Rights Act	11:16 NCR 1263
Voting Rights Act	11:18 NCR 1367
Voting Rights Act	11:20 NCR 1533

GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0204	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 583	*	Approve	10/17/96	11:16 NCR 1291
21 NCAC 12 .0503	10:22 NCR 2829	11:06 NCR 372	11:09 NCR 584	*	Approve	10/17/96	11:16 NCR 1291

GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96	11:05 NCR 270
Number 96 - Eff. 06/14/96	11:08 NCR 441
Number 97 - Eff. 07/12/96	11:10 NCR 817
Number 98 - Eff. 08/09/96	11:11 NCR 880

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Number 99 - Eff. 09/05/96										11:14 NCR 1101
Number 100 - Eff. 09/12/96										11:14 NCR 1101
Number 101 - Eff. 09/12/96										11:14 NCR 1101
Number 102 - Eff. 10/02/96										11:15 NCR 1197
Number 103 - Eff. 10/10/96										11:15 NCR 1197
Number 104 - Eff. 10/10/96										11:15 NCR 1197
Number 105 - Eff. 12/02/96										11:19 NCR 1406
HOUSING FINANCE AGENCY										
24 NCAC 01P .0101		11:14 NCR 1154								
24 NCAC 01P .0102		11:14 NCR 1154								
24 NCAC 01P .0103		11:14 NCR 1154								
24 NCAC 01P .0201		11:14 NCR 1154								
24 NCAC 01P .0202		11:14 NCR 1154								
24 NCAC 01P .0203		11:14 NCR 1154								
HUMAN RESOURCES										
10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L	Approve	12/19/96	*		11:20 NCR 1569	
Aging										
10 NCAC 22	10:23 NCR 2956									
Child Day Care Commission										
10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*						
10 NCAC 03U .0700	11:08 NCR 449			*						
10 NCAC 03U .0704	10:19 NCR 2506		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		11:19 NCR 1449	
10 NCAC 03U .0705	11:14 NCR 1108			*						
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*						

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10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .1717	11:14 NCR 1108									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2606	11:08 NCR 449									
10 NCAC 03U .2701		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
Facility Services										
10 NCAC 03	10:18 NCR 2399				Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3001	10:23 NCR 2956	10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object Object	10/17/96 11/21/96	*		11:11 NCR 888	
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*	11:16 NCR 1291	11:11 NCR 888	
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449		
10 NCAC 03R .3050		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object Approve	10/17/96 11/21/96	*	11:19 NCR 1449	11:11 NCR 888	

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10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
Medical Assistance										
Disproportionate Share List										
10 NCAC 26B .0105	10:18 NCR 2398		10:22 NCR 2831	*	Approve	04/18/96	*		11:04 NCR 207	11:03 NCR 101
10 NCAC 26B .0123		11:19 NCR 1436								
10 NCAC 26G .0707	11:08 NCR 450		11:18 NCR 1371	*						
10 NCAC 26H .0101	11:14 NCR 1108									
10 NCAC 26H .0102	11:14 NCR 1108									
10 NCAC 26H .0104	11:16 NCR 1268									
10 NCAC 26H .0212		11:15 NCR 1205								
10 NCAC 26H .0213		11:15 NCR 1205								
10 NCAC 26H .0213	11:18 NCR 1368									
10 NCAC 26H .0506		11:02 NCR 77								
10 NCAC 26H .0506	10:21 NCR 2686									
10 NCAC 26H .0506		11:19 NCR 1438								
10 NCAC 26H .0602	11:09 NCR 569								11:20 NCR 1569	
10 NCAC 50B .0202		11:10 NCR 841			Approve	12/19/96				
10 NCAC 50B .0404		11:10 NCR 841								
10 NCAC 50B .0409		11:10 NCR 841								
10 NCAC 50D				S/L						11:06 NCR 316
10 NCAC 50D .0101	10:24 NCR 3057									
10 NCAC 50D .0102	10:24 NCR 3057									
10 NCAC 50D .0103	10:24 NCR 3057									
10 NCAC 50D .0201	10:24 NCR 3057									
10 NCAC 50D .0301	10:24 NCR 3057									
10 NCAC 50D .0302	10:24 NCR 3057									
10 NCAC 50D .0401	10:24 NCR 3057									
10 NCAC 50D .0402	10:24 NCR 3057									

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10 NCAC 50D .0501	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0502	10:24 NCR 3057	11:04 NCR 196								
10 NCAC 50D .0503	10:24 NCR 3057	11:04 NCR 196								
Medical Care Commission										
10 NCAC 03B	11:16 NCR 1268									
10 NCAC 03B .1001		11:20 NCR 1560								
10 NCAC 03B .1002		11:20 NCR 1560								
10 NCAC 03C .3707	11:20 NCR 1534									
10 NCAC 03C .6208					Approve	04/18/96			11:04 NCR 206	
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124							*
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124							S
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124							S

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10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S						
10 NCAC 45H .0200	11:08 NCR 449									
Social Services Commission										
10 NCAC 35E .0101		11:16 NCR 1288								
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*		11:15 NCR 1229	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96				
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229	
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			11:15 NCR 1229	
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229	
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object Approve	07/18/96 09/19/96	*		11:15 NCR 1229	
10 NCAC 41I .0100	10:17 NCR 2228									
10 NCAC 41I .0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41P .0102	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object Approve Approve	11/21/96 12/19/96 12/19/96	*		11:20 NCR 1569 11:20 NCR 1569	Notice Not Required
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Object Approve	11/21/96 12/19/96	*		11:20 NCR 1569 11:20 NCR 1569	Notice Not Required
10 NCAC 41P .0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*		11:20 NCR 1569 11:19 NCR 1449	Notice Not Required

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10 NCAC 41P .0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0108					Approve	10/17/96		11:16 NCR 1291	Notice Not Required	
10 NCAC 41P .0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 41P .0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42A .0701		10:21 NCR 2728	11:10 NCR 823	S/L/SE	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42A .0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42A .0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96				
10 NCAC 42B .1209		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 42B .1210		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42B .1211		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42B .2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42B .2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42B .2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42C .2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42C .2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96		11:19 NCR 1449		
10 NCAC 42C .2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 42C .3701		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*	11:20 NCR 1569		
10 NCAC 42C .3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*	11:19 NCR 1449		
10 NCAC 42C .3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*	11:20 NCR 1569		
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*	11:20 NCR 1569		
					Object	11/21/96	*	11:20 NCR 1569		
					Approve	12/19/96	*	11:20 NCR 1569		

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10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 42J .0001		11:16 NCR 1288								
10 NCAC 42J .0004		11:16 NCR 1288								
10 NCAC 42J .0005		11:16 NCR 1288								
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*	11:10 NCR 843		
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*	11:19 NCR 1449		
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96		11:19 NCR 1449		
10 NCAC 49C .0107		10:18 NCR 2402								
Vocational Rehabilitation Services										
10 NCAC 20B .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*	11:20 NCR 1569		
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96		11:20 NCR 1569		

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10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			11:20 NCR 1569	
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		11:20 NCR 1569	
INSURANCE										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1002		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1003		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1004		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1005		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1006		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1007		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1008		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1009		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1010		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1011		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1101		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1102		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1103		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1104		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1105		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1106		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1107		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1108		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1109		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1110		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1111		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1112		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1113		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1114		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection

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11 NCAC 08 .1115		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1116		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1201		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1202		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1203		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1204		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1205		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1206		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1207		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1208		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 08 .1209		11:15 NCR 1212	11:19 NCR 1416	*						Filed over objection
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0603		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*						Filed over objection
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		11:05 NCR 283	
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	05/16/96			11:05 NCR 284	
JUSTICE										
Attorney General/Company Police										
12 NCAC 021 .0101					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0206					Approve	04/18/96			11:04 NCR 208	
12 NCAC 021 .0210					Approve	04/18/96			11:04 NCR 208	
Alarm Systems Licensing Board										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
Criminal Justice Education and Training Standards Commission										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*						

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12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*						
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*						
Private Protective Services Board										
12 NCAC 07D	11:10 NCR 818									
12 NCAC 07D	11:16 NCR 1268									
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
State Bureau of Investigation/Division of Criminal Information										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*						

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12 NCAC 04E .0104	11:17 NCR 1336									
12 NCAC 04E .0401	11:17 NCR 1336									
12 NCAC 04E .0404	11:17 NCR 1336									
12 NCAC 04E .0405	11:17 NCR 1336									
LABOR										
Occupational Safety and Health										
13 NCAC 07A .0900	11:11 NCR 881									
13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119								
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0301	11:03 NCR 106									
MEDICAL BOARD										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32H	10:18 NCR 2400									
21 NCAC 32H .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0303	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0401	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0402	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0403	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0404	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		
21 NCAC 32H .0406	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*	11:04 NCR 221		

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21 NCAC 32H .0407	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 32H .0408	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96			11:04 NCR 221	
21 NCAC 32H .0409	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0501	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0502	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0504	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0505	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0506	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0507	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0601	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0602	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0701	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0702	10:18 NCR 2400		10:22 NCR 2835	*	Object	04/18/96			Returned to Agency 6/20/96	
21 NCAC 32H .0801	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0901	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 32H .0902	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		11:04 NCR 221	
21 NCAC 320	11:18 NCR 1369			*	Approve	04/18/96			11:04 NCR 221	
NURSING, BOARD OF										
21 NCAC 36 .0320	11:14 NCR 1109		11:19 NCR 1428	*						
NURSING HOME ADMINISTRATORS										
21 NCAC 37D .0202		11:11 NCR 940	11:18 NCR 1372	*						
21 NCAC 37G .0102		11:11 NCR 940	11:18 NCR 1372	*						
OPTOMETRY, BOARD OF										
21 NCAC 42B .0107	11:18 NCR 1369			*						
PSYCHOLOGY BOARD										
21 NCAC 54 .1802			11:18 NCR 1373	*						
21 NCAC 54 .1803			11:18 NCR 1373	*						

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21 NCAC 54 .2001			11:18 NCR 1373	*						
21 NCAC 54 .2002			11:18 NCR 1373	*						
21 NCAC 54 .2003			11:18 NCR 1373	*						
21 NCAC 54 .2004			11:18 NCR 1373	*						
21 NCAC 54 .2005			11:18 NCR 1373	*						
21 NCAC 54 .2007			11:18 NCR 1373	*						
21 NCAC 54 .2008			11:18 NCR 1373	*						
21 NCAC 54 .2009			11:18 NCR 1373	*						
21 NCAC 54 .2704					Approve	04/18/96			11:04 NCR 236	
21 NCAC 54 .2706					Approve	04/18/96			11:04 NCR 236	
PUBLIC EDUCATION										
16 NCAC 01A .0001					Approve	05/16/96			11:05 NCR 286	
16 NCAC 01A .0003					Approve	05/16/96			11:05 NCR 283	
Standards Board for Public School Administration										
16 NCAC 07 .0101	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96			11:20 NCR 1569	
16 NCAC 07 .0102	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*			
16 NCAC 07 .0103	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*		11:20 NCR 1569	
16 NCAC 07 .0104	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*			
16 NCAC 07 .0105	10:23 NCR 2957		11:09 NCR 576	*	Object	11/21/96	*		11:20 NCR 1569	
16 NCAC 07 .0106	10:23 NCR 2957		11:09 NCR 576	*	Approve	12/19/96	*			
16 NCAC 07 .0107	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96			11:20 NCR 1569	
16 NCAC 07 .0108	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0109	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				

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21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*	11:20 NCR 1569		
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96				
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	12/19/96		11:20 NCR 1569		
REFRIGERATION EXAMINERS										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96		11:19 NCR 1449		
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*	11:19 NCR 1449		
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object	11/21/96	*			
					Approve	12/19/96		11:20 NCR 1569		
REVENUE										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object	08/15/96				
					Approve	09/19/96		11:14 NCR 1156		
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	08/15/96				
17 NCAC 01C .0506			11:10 NCR 838	*						
17 NCAC 05C .0102			11:03 NCR 113	*						
			11:09 NCR 582	*	Object	11/21/96				
17 NCAC 05C .2101			10:24 NCR 3059	*	Approve	05/16/96	*	11:05 NCR 284		
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	04/18/96	*	11:04 NCR 211		
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*	11:04 NCR 211		
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96		11:19 NCR 1449		
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*	11:04 NCR 212		
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96		11:04 NCR 212		

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17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			11:04 NCR 212	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	
17 NCAC 07B .4501			11:12 NCR 998	*	Approve	11/21/96	*		11:19 NCR 1449	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		11:04 NCR 212	

Tax Review Board

11:02 NCR 72

Tax Review Board

11:06 NCR 318

Tax Review Board

11:14 NCR 1104

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Tax Review Board										
Tax Review Board										11:16 NCR 1266 11:17 NCR 1332
SOCIAL WORK, BOARD OF										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		11:19 NCR 1449	
SOIL SCIENTISTS, BOARD FOR LICENSING										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96			11:14 NCR 1156	
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Approve	09/19/96	*		11:14 NCR 1156	
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200 11:08 NCR 523	*	Object Approve	09/19/96 10/17/96	*		11:16 NCR 1291	
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*					11:16 NCR 1291	

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21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96		11:14 NCR 1156		
			11:04 NCR 200	*	Object	09/19/96				
			11:08 NCR 523	*	Approve	10/17/96	*	11:16 NCR 1291		
21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96				
			11:08 NCR 523	*	Approve	10/17/96	*	11:16 NCR 1291		
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*	Approve	09/19/96	*	11:14 NCR 1156		
STATE PERSONNEL COMMISSION										
25 NCAC 01D .2501		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01J .0613		10:23 NCR 2960								
25 NCAC 01J .0613					Approve	03/21/96		11:01 NCR 26		
SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD										
21 NCAC 68	10:18 NCR 2401									
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*	11:04 NCR 238		
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96		11:04 NCR 238		
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96		11:04 NCR 238		

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21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		11:04 NCR 238	

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TRANSPORTATION										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Object Approve	08/15/96 09/19/96	*		11:14 NCR 1156	
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96				
Highways, Division of										
19A NCAC 02B .0164	11:20 NCR 1537									
19A NCAC 02D .0415	11:20 NCR 1537									
19A NCAC 02D .0425										
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			11:12 NCR 1006	
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
					Object Approve	08/15/96 09/19/96	*		11:14 NCR 1156	
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	

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19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96				
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96	*		11:14 NCR 1156	
					Approve	09/19/96				
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:12 NCR 1006	
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96	*			
					Approve	09/19/96				
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		11:14 NCR 1156	
Motor Vehicles, Division of										
19A NCAC 03E .0501	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*	Approve	10/17/96	*		11:16 NCR 1291	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0100	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0200	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0300	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0400	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0500	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0600	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	
19A NCAC 03I .0700	11:19 NCR 1413		11:07 NCR 416	*	Approve	09/19/96	*		11:14 NCR 1156	

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19A NCAC 031 .0800	11:19 NCR 1413									
19A NCAC 03J .0101	11:11 NCR 882									
19A NCAC 03J .0102	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0201	11:11 NCR 882									
19A NCAC 03J .0306	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0307	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*						
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*						

Office of Administrative Hearings
P.O. Drawer 27447
Raleigh, North Carolina 27611-7447

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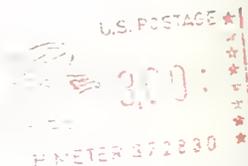
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